



Department of Justice
Canada

Ministère de la Justice
Canada

NUMÉRO DE DOSSIER/FILE #: 2015-012749
COTE DE SECURITE/SECURITY CLASSIFICATION: SECRET

TITRE/TITLE: **Bail Reform**

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

- This note provides an overview of the bail reform initiative.
- The bail process balances the protection of the public, the constitutional rights of the accused, and the efficient administration of justice.
- In 2012, Federal/Provincial/Territorial (FPT) Ministers of Justice and Public Safety approved a number of recommendations for legislative reform (including modernizing provisions, providing police with more guidance on release, strengthening the surety, revocation of bail process, etc.).
- In June 2015, FPT Deputy Ministers asked the Criminal Procedure Working Group to examine ways to decrease remand populations and to update the 2012 recommendations.
- The bail process is also currently being studied by the Steering Committee of Justice Efficiencies and Access to Justice.
- The Liberal Party 2015 Platform committed to imposing a reverse onus on bail for those with previous convictions for intimate partner violence. Justice officials will, in consultation with the provinces and territories, explore this proposal.

Soumis par (secteur)/Submitted by (Sector):

Policy Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Sarah Geh

Revue dans l'ULM par/Edited in the MLU by:

Matt Ignatowicz

Soumis au CM/Submitted to MO:



Department of Justice
Canada

Ministère de la Justice
Canada

Secret
FOR INFORMATION

2015-012749

MEMORANDUM FOR THE MINISTER

Bail Reform

ISSUE

This note provides an overview of the bail reform initiative, including recommendations that have been approved by Federal/Provincial/Territorial (FPT) Ministers Responsible for Justice and Public Safety and the ongoing work of the FPT Working Group on Criminal Procedure of the Coordinating Committee of Senior Officials (CCSO).

BACKGROUND

The bail process is a crucial element of the criminal justice system, creating an important link between the arrest of the accused and the final disposition of criminal charges. The bail process must balance the liberty rights of the accused (who is presumed innocent at this stage of proceedings), the protection of the public, and the efficient administration of justice.

The *Criminal Code* bail provisions provide the framework for determining whether an accused is released or detained. After being arrested and charged with an offence, an accused may be released by a police officer or held for a bail hearing before a judicial officer. The Code sets out specific grounds to justify the detention of an accused (i.e., if necessary to ensure that the accused appears in court, for protection of the public, or to maintain confidence in the administration of justice). Generally, at a bail hearing, the Crown bears the onus of demonstrating why detention is necessary. There are, however, certain circumstances specified in the Code in which the accused must establish why pre-trial detention is not justified (i.e., the onus is reversed). For example, the onus will be on an accused charged with certain firearm or terrorism offences. The Code bail provisions were last comprehensively reformed in 1972. While the overarching legislative framework is sound, aspects of the regime are unnecessarily complex, repetitive, and dated.

s.14

s.21(1)(a)

s.21(1)(b)

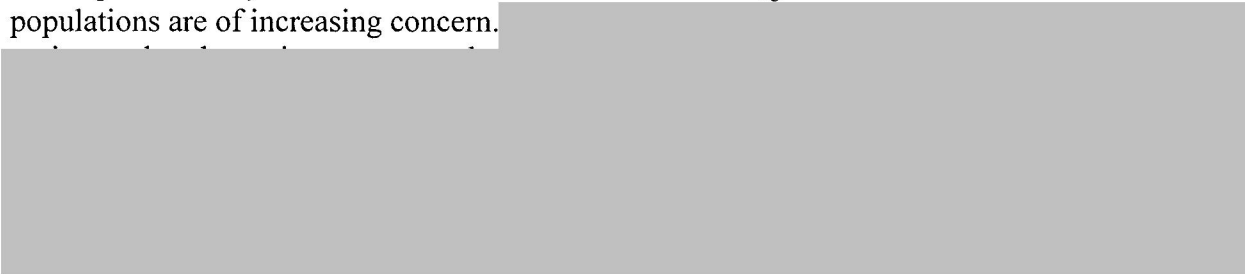
Page 3

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14, 21(1)(a), 21(1)(b)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

While public safety remains at the forefront of bail reform, justice efficiencies and remand populations are of increasing concern.



s.14

s.21(1)(a)

s.21(1)(b)


Platform commitment

The 2015 electoral platform commitment on preventing domestic violence includes the proposal to impose a reverse onus on bail for those with previous convictions of intimate partner violence.

CONSIDERATIONS

Developing bail reforms which protect the public and respect the Charter rights of the accused (the right not to be denied reasonable bail without just cause and the presumption of innocence), while also increasing justice efficiencies and stabilizing remand growth, is challenging. Further, the *Criminal Code* bail provisions are applied to thousands of cases every day across Canada, and proposals must be carefully considered to ensure there are no unintended consequences.

Because the bail process is a critical stage of the criminal justice system and involves operationally many justice system participants, consultation is necessary. Recent Summits on the Economics of Policing, convened by Public Safety Canada, have identified the bail system as needing improved efficiencies and better collaboration with police agencies. Consultation with provinces and territories is also necessary because the administration of the bail regime varies significantly from jurisdiction to jurisdiction (e.g., the use of justices of the peace, use of sureties, calling of evidence, etc.). Proposed legislative reforms must be flexible enough to meet the needs of each jurisdiction.



CONCLUSION

Addressing problems with the bail process, such as repeat violent offenders and ballooning remand populations, is complex and requires input from all criminal justice system participants.

s.14

s.21(1)(a)

s.21(1)(b)

ANNEXES

Annex 1:

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**Pages 6 to / à 18
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14, 21(1)(a), 21(1)(b)

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Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2015-012774
Protected B

Action by/Deadline: 2015/11/20

MEMORANDUM TO THE DEPUTY MINISTER

(FOR DECISION)

SUMMARY

s.21(1)(a)

s.21(1)(b)

s.23



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21(1)(a), 21(1)(b), 23

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s.21(1)(a)

s.21(1)(b)

s.23

Attachment

Prepared by: Adair Crosby, Senior Counsel, Judicial Affairs Section 952-7748

Date: November 13, 2015

Reviewed by:

Stephen Zaluski, General Counsel and Director, Judicial Affairs Section 948-2086.

Date: November 15, 2015

CCM#: 2015-012774

- 10 -

Protected B

In consultation with:

Anne Turley, Senior General Counsel and Kirk Shannon, Counsel, Litigation Branch

Approved by:

 Laurie Wright, Assistant Deputy Minister, Public Law Sector 957-4939

Date: NOV 16 2015

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21(1)(a), 21(1)(b), 23

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de la Loi sur l'accès à l'information**



Department of Justice
Canada


Ministère de la Justice
Canada

NUMERO DU DOSSIER/FILE #: 2015-012831

COTE DE SECURITE/SECURITY CLASSIFICATION: Secret

**TITRE/TITLE: Vulnerable Populations Over-Represented in the Criminal Justice System:
People with Mental Health Issues and Indigenous People**

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

- This note provides background information, key considerations, and recommendations on how to effectively address the over-representation of vulnerable populations in the criminal justice system (people with mental health issues, including fetal alcohol spectrum disorder, and Indigenous people).
- In the past 20 years, there has been a significant increase in federal offenders reporting symptoms of serious mental illness. People with mental illness come into contact with the criminal justice system due to many factors, including inadequate mental health services, lack of affordable housing, and lack of social services and support.
- Indigenous adults and youth are significantly over-represented in the criminal justice system as victims and offenders. There are many interconnected factors that could explain Indigenous over-representation including historical experiences, cultural differences, bias in the criminal justice system, and socio-economic conditions.
- Progress in the areas of mental health and Indigenous justice can only be achieved through a collaborative, coordinated approach with strong leadership to steer towards more favourable outcomes for Canada's vulnerable populations. While the expectation for progress is similar among stakeholder groups (e.g., federal, provincial, and territorial governments, Truth and Reconciliation Commission (TRC), National Aboriginal Organizations, etc.), views on how to proceed vary in scope and substance. Possible Justice Canada responses are outlined 
- The TRC's Final Report (including recommendations related to addressing the over-representation of Indigenous adult and youth offenders and victims in the criminal justice system) is expected to be released on December 15, 2015.

s.21(1)(a)
s.21(1)(b)

Soumis par (secteur)/Submitted by (Sector):

Policy Sector

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Soumis au CM/Submitted to MO:



Secret
FOR INFORMATION

2015-012831

MEMORANDUM FOR THE MINISTER

Vulnerable Populations Over-Represented in the Criminal Justice System: People with Mental Health Issues and Indigenous People

ISSUE

This note provides background information, key considerations, and recommendations on how to effectively address the over-representation of vulnerable populations in the criminal justice system (CJS), including Indigenous people and people with mental health issues such as fetal alcohol spectrum disorder (FASD).

BACKGROUND

Indigenous people and people with mental health issues and FASD are over-represented in the CJS as victims and offenders:

Mental Illness/FASD: Between 1997 and 2010, symptoms of serious mental illness reported by federal offenders at admission increased by 61% for males and 71% for females. Correctional Service Canada indicates that 13% of male offenders and 29% of women offenders in federal custody self-identified at intake as having mental health problems. Data is lacking regarding mental illness in provincial facilities, but anecdotal evidence suggests the numbers are significant, especially as there are more individuals in provincial corrections than federal corrections. FASD is an umbrella term used to describe the permanent brain damage caused by prenatal exposure to alcohol. The exact prevalence of FASD in Canada and in the CJS is unknown. There is very limited data on FASD prevalence, but some small studies suggest that prevalence of FASD in a correctional setting may range from 10% to 23% of youth and adults.

People with mental illness come into contact with the CJS due to a myriad of factors, including inadequate mental health services, lack of affordable housing, and insufficient and inappropriate social services and support. Moreover, individuals with mental illness are more likely to be arrested, detained, and incarcerated. Further, there is a high rate of substance abuse among individuals with mental illness resulting in a number of people with complex needs. Individuals with FASD come into contact with the CJS for many of the same reasons, but also because the nature of their particular disability may render them more susceptible to negative influences, make them more impulsive and prevent them from learning from their mistakes. These individuals also commit a high number of administration of justice offences (e.g., breach of bail conditions) often due to their illness/disorder.

Indigenous people: Indigenous adults and youth are significantly over-represented in the CJS as victims and offenders. In 2013-14, Indigenous people made up 3% of the national population and accounted for 20% of federal inmates and 24% of provincial/territorial admissions. Indigenous youth represented 7% of the population and accounted for 41% of admissions. As victims, Indigenous people are three times more likely than non-Indigenous people to be victims of crime, and twice as likely to be victims of violent crimes. Indigenous women and girls represent a particularly vulnerable group; they are three times more likely than non-Indigenous women to experience violence and such violence results in more serious harm.

The causes of Indigenous over-representation as offenders and as victims pertain to such factors as: (1) the impact of the legacy of colonization and related government policies, including Indigenous community dislocation, land loss, family and community fragmentation, residential schools and similar policies; (2) cultural differences between Indigenous and non-Indigenous peoples, particularly in the area of criminal justice; (3) bias in the mainstream policing, justice and corrections systems; and, (4) socio-economic conditions in many Indigenous communities that include low education levels, poverty, unemployment, a large number of single-parent families, residential overcrowding, lack of mobility, and alcohol and drug abuse. These factors are aggravated by a population bulge for 15-24 year old Indigenous people that is predicted to last for at least another 20 years, and this age cohort has the highest statistical incidence of criminal behaviour in Canada regardless of sex, ethnicity, or region.

CONSIDERATIONS

Stakeholder perspectives - mental health and FASD

Significant pressure to amend the *Criminal Code* to consider circumstances of people with mental health issues have come from: national criminal justice groups such as the Canadian Bar Association; Parliamentarians through Private Members' Bills; and, most recently, from the Truth and Reconciliation Commission of Canada's (TRC) Summary of the Final Report (the latter relates specifically to FASD). Much of the focus has been on developing exemptions from particular sentencing provisions, i.e., mandatory minimum penalties. As for FASD, there have also been calls to make FASD a mitigating factor for the purposes of sentencing and create a new power in the *Criminal Code* which would permit a judge to order a FASD-specific assessment. There have also been calls to increase community resources.

Many mental health advocates have indicated that the recently enacted, *Not Criminally Responsible Reform Act* could have a negative impact on mentally ill people who come into contact with the justice system. The Act created a high-risk not-criminally-responsible (NCR) accused designation in the mental disorder regime of the *Criminal Code*. Many argue that the creation of this new designation (which prevents NCR accused who are designated as high-risk from any access to the community except in very narrow circumstances) will deter mentally ill accused persons from raising the defence of mental disorder as they will not want to risk attracting this designation. They may be more likely to take their chances in the "regular" criminal justice stream and in the correctional system. Advocates argue that this may result in more mentally ill individuals ending up the CJS (instead of the Review Board/mental health system) and subsequently in the community as they cycle through the system without adequate mental health treatment.

Stakeholder perspectives - Indigenous justice

The TRC's Summary of the Final Report and calls to action, including several recommendations related to addressing the over-representation of Indigenous adult and youth offenders and victims in the CJS, and continuing calls for a national inquiry on missing and murdered Indigenous women and girls, have increased pressure on the federal government to respond.

s.21(1)(a)

s.21(1)(b)

Potential Justice Canada actions on mental health and FASD, and Indigenous justice

Many of the actions necessary to reduce interaction between vulnerable populations and the CJS fall outside of Justice Canada's mandate,

Furthermore, the Minister of Justice exercises a stewardship role in upholding the values of a fair and equitable system of justice and, therefore, has a strong interest in ensuring that the CJS does not have a disproportionately negative impact on some of the most vulnerable members of society. There are several measures that Justice Canada can pursue to address the over-representation in the CJS of Indigenous people and people with mental illness and FASD.

Mental health and FASD

Indigenous justice

Justice Canada Programs:

s.21(1)(a)

s.21(1)(b)

CONCLUSION

Addressing the over-representation of vulnerable populations, in particular Indigenous people and people with mental health issues, is complex.

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Department of Justice
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NUMERO DU DOSSIER/FILE #:2015-012835
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected A

TITRE/TITLE: Proactive Disclosure of Grants and Contributions

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

- The Government of Canada committed to proactively disclose the awarding of grants and contributions over \$25,000 to strengthen public sector management by enhancing transparency and oversight of public resources in the federal government.
- Since 2006, the Department has proactively disclosed on its website grants and contributions over \$25,000, with the exception of transfer payments to the provinces and territories, in accordance with Treasury Board policy.
- Proactive disclosure information (name and location of the recipient, date of approval, amount and the type (grant or contribution) of funding, duration of the funding) is consolidated by the Policy Sector and is reviewed by the Management and CFO Sector, and is made available to you for information prior to posting on the departmental website.
- The last proactive disclosure related to grants and contributions occurred on August 28, 2015, and the next disclosure is scheduled for November 30, 2015.

Soumis par (secteur)/Submitted by (Sector):

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Soumis au CM/Submitted to MO:



Protected A
FOR INFORMATION

2015-012835

MEMORANDUM FOR THE MINISTER

Proactive Disclosure of Grants and Contributions

ISSUE

Grants and contributions over \$25,000 are proactively disclosed and posted on the Department of Justice's website. The last proactive disclosure related to grants and contributions occurred on August 28, 2015, and the next disclosure is scheduled for November 30, 2015.

BACKGROUND

On October 21, 2005, the Government of Canada announced its commitment to proactively disclose the awarding of grants and contributions over \$25,000 as part of its Management Improvement Agenda, with a view to strengthening public sector management by enhancing transparency and oversight of public resources in the federal government.

The Department of Justice Canada has been reporting information on the awarding of grants and contributions on its Proactive Disclosure Website (<http://www.justice.gc.ca/eng/trans/pd-dp/gc-sc/index.html>) since the last fiscal quarter of 2006. Reporting has continued on a quarterly basis, corresponding to the government fiscal year quarters, and the information is posted on the Department's website within 60 calendar days of the end of each reporting period.

Certain grants and contributions, such as transfer payments to the provinces and territories are not disclosed, in accordance with the Treasury Board Secretariat's (TBS) Guidance Document: Proactive Disclosure of Grants and Contributions over \$25,000 (<http://publiservice.tbs-sct.gc.ca/pd-cp/gc-sc/guide-eng.asp>).

CONSIDERATIONS

The proactive disclosure information (name and location of the recipient, date of approval, amount and the type (grant or contribution) of funding, duration of the funding) is consolidated by the Policy Sector and is reviewed by the Management and Chief Financial Officer Sector prior to posting on the departmental website.

The proactive disclosure report is made available to you for information prior to posting the information on the departmental website.

CONCLUSION

Grants and contributions over \$25,000 awarded or amended by the Department are posted on the Department's website in accordance with TBS guidelines. The next disclosure is scheduled for November 30, 2015.

PREPARED BY

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Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2015-012960

Unclassified

For Approval

Action by/Deadline: 2015/11/27

MEMORANDUM TO THE DEPUTY MINISTER

Justice Canada Corporate Risk Profile 2015-16 to 2017-18 (FOR APPROVAL)

SUMMARY

- This memorandum seeks your approval of the attached Justice Canada Corporate Risk Profile (CRP) for 2015-16 to 2017-18 (see Annex A).
- Approval is being sought by November 27, 2015 as the CRP is scheduled for discussion at the December meeting of the Departmental Audit Committee (DAC), and material is to be provided to DAC members by December 2nd.
- The CRP for 2015-16 to 2017-18 was reviewed and endorsed (with minor modifications) by Management Committee on October 29, 2015. (See presentation in Annex B.)
- **DO YOU APPROVE?**

BACKGROUND

The Department's Corporate Risk Profile (CRP) is due to be updated as the most recent iteration of the CRP covered the period from 2012-13 to 2014-15.

The Department maintains its CRP in accordance with the Treasury Board *Framework for the Management of Risk* and associated guidance from Treasury Board Secretariat (TBS). Under this policy framework, federal departments are encouraged to document and keep up to date a corporate view of key risks that could significantly influence overall organizational priorities, performance and achievement of corporate objectives. Having such a reference document is expected to enhance analysis and decision-making (particularly by senior management) related to priority setting and resource allocation. Because the *Framework for the Management of Risk* and supporting guidance are principles-based, departments are free to tailor organizational risk management practices such as the documenting of corporate risks to their particular operating context (e.g., mandate, priorities, risk exposure, organizational culture, risk management capacity).

Since 2009, Justice Canada has communicated its corporate view of key risks through the CRP, which identifies high, medium and low risks that could impact the achievement of the Department's two Strategic Outcomes, looking out over a planning horizon of three years. The Corporate Risk Profile is embedded within the Department's annual

Unclassified

integrated business planning process to both guide priority setting and monitor the status of corporate risks (including identifying any new or emerging corporate risks). Barring any significant shifts in the Department's operating environment, a full refresh of the CRP is planned for every three years. This periodic updating is based not only on the on-going analysis of risk information from annual business planning, but also the results of additional focused research, including: the review of other pertinent departmental plans, reports and submissions (e.g., evaluations, audits, Treasury Board Submissions); and wide-ranging consultations with various functional authorities/areas of expertise as well as senior managers from across the Department.

KEY CONSIDERATIONS / OPTIONS

The proposed CRP for 2015-16 to 2017-18 (see Annex A) was developed through extensive departmental consultations and reflects the discussion of Management Committee members on October 29, 2015 (see presentation in Annex B).

Departmental Audit Committee (DAC) members were also consulted on the update of the CRP at their meeting on June 25, 2015. Looking ahead, the CRP is scheduled as a discussion item for the next meeting of DAC on December 17, 2015. It is likely that DAC members will be interested in the Department's progress in finalizing the CRP and identifying next steps.

s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

The updated CRP may serve as a source of evidence with respect to the risk management-related area of management in future Management Accountability Framework (MAF) assessments led by TBS.

RESOURCE IMPLICATIONS

Approval of an updated CRP for 2015-16 to 2017-18 would not have any immediate or direct resource implications.

COMMUNICATION IMPLICATIONS

Should the updated CRP be approved, the Corporate Planning, Reporting and Risk Division would work with the Communications Branch to develop an appropriate communications plan. It is expected that the new version of the CRP would be posted on the Corporate Planning and Reporting site on JUSNet soon after approval.

CCM#: 2015-012960

Unclassified

RECOMMENDATION

It is recommended that you approve the attached CRP for 2015-16 to 2017-18 (see Annex A) by signing the approval block in the summary box.

Attachment(s)

Annex A – Justice Canada Corporate Risk Profile (CRP) 2015-16 to 2017-18

Annex B – Updating the CRP, Presentation to Management Committee (Oct. 29, 2015)

KJB for
Prepared by:

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Date: November 16, 2015

KJB
Reviewed by:

William Bedford, Director, CPRR, Management and CFO Sector (613-952-3935)

Date: November 16, 2015

Reviewed by: *EC*

Eric Trépanier, DCFO, Management and CFO Sector (613-948-5117)

Date: 16/11/15

Approved by: *EC for*

Marie-Josée Thivierge, Assistant Deputy Minister, Management Sector and Chief Financial Officer (613-907-3724)

Date: 16/11/2015

Approved by:

Pierre Legault, Associate Deputy Minister *P*

Date: 17/11/2015

CCM#: 2015-012960



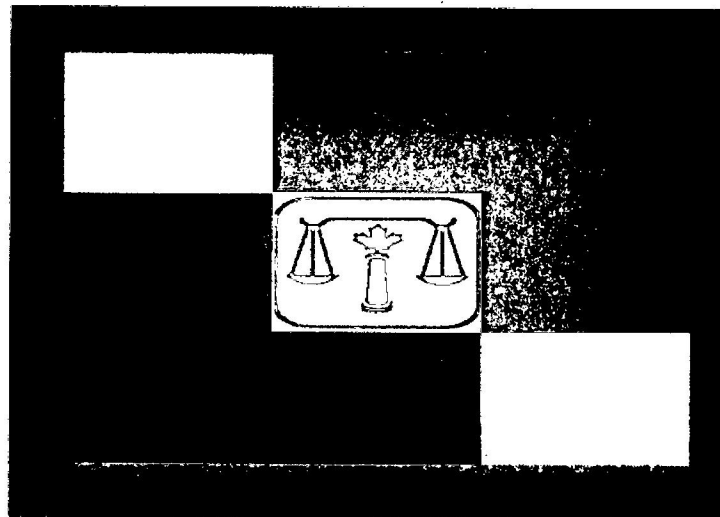
Department of Justice Canada Corporate Risk Profile

For internal use only

STEERING CANADIANS



Department of Justice Canada











Corporate Risk Profile 2015-16 to 2017-18

Approved XXXXX

Prepared by Corporate Planning, Reporting and Risk Division
Finance and Planning Branch
Management and CFO Sector

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1.0 Executive Summary

In the Government of Canada, risk is defined as "the effect of uncertainty on objectives." More specifically, it is the expression of the likelihood and impact of an event with the potential to affect the achievement of an organization's objectives. To be truly effective, the management of risk cannot be practiced in silos. The concept of Integrated Risk Management (IRM) promotes a continuous, proactive and systematic process to understand, manage and communicate risks from an organization-wide perspective in a consistent and cohesive manner.

Justice Canada's Corporate Risk Profile (CRP) has been developed as a strategic tool within the Department's IRM Framework. The CRP provides an aggregate view of significant risks to the achievement of the Department's objectives and, ultimately, strategic outcomes. Corporate risks are mapped to Justice Canada's two strategic outcomes and categorized according to the assessed level of risk (high, medium, low).

**Strategic Outcome 1 - A
fair, relevant and
accessible Canadian
justice system**

**Strategic Outcome 2 - A
federal government that is
supported by high-quality
legal services**

s.21(1)(a)
s.21(1)(b)

By providing an overview of enterprise-level strategic risks faced by the Department, the Profile may inform various aspects of corporate planning, reporting, and decision-making, including the allocation of resources. This snapshot allows senior level attention to be brought to the management, mitigation, and monitoring of the Department's key corporate risks. It also serves as a valuable reference document for all managers and employees when developing plans or proposals, particularly those to be presented for senior management consideration.

This update to the CRP has been prepared looking forward over a planning horizon of three years. The Department will continue to regularly monitor its corporate risks and the Profile will be adjusted as necessary.

2.0 Introduction

2.1 About the Corporate Risk Profile (CRP)

In the Government of Canada, risk is defined as "the effect of uncertainty on objectives." More specifically, it is the expression of the likelihood and impact of an event with the potential to affect the achievement of an organization's objectives.

Justice Canada's Corporate Risk Profile (CRP) has been developed to provide an aggregate view of significant risks to the achievement of the Department's objectives and, ultimately, strategic outcomes. Corporate risks are mapped to Justice Canada's two strategic outcomes¹ and categorized according to the assessed level of risk (low, medium, high). The Profile includes descriptions of each key corporate risk as well as more detailed summaries of all high risks.

Approved by Management Committee (MC), the CRP represents the shared view of the Department's operating context and the strategic risks facing Justice Canada. The Profile allows senior level attention to be brought to the management, mitigation, and monitoring of these risks, particularly those assessed as high. It also serves as a valuable reference document for all managers and employees when developing plans and proposals, especially items to be presented for senior management consideration.

The CRP is a snapshot in time of the Department's strategic risks. This version of the Profile serves as an update to Justice Canada's last CRP, which was approved in November 2012. The update has been prepared looking forward over a planning horizon of three years. The Department will continue to regularly monitor its corporate risks and the Profile will be adjusted as necessary.

2.2 The CRP and Integrated Risk Management (IRM) at Justice Canada

By undertaking risk management, organizations can recognize, understand, accommodate, and capitalize on new challenges and opportunities. In the context of the federal public service, the effective management of risk contributes to improved decision-making, better allocation of resources, and, in the end, better results for Canadians. To be truly effective, however, risk management cannot be practiced in silos. The concept of Integrated Risk Management (IRM) promotes a continuous, proactive and systematic process to understand, manage and communicate risks from an organization-wide perspective in a consistent and cohesive manner. IRM is an important part of governance and strategic management, a core element of the Treasury Board's Management Accountability Framework (MAF), which is used to assess the management practices and capacities of federal departments and agencies.

¹ The Department's strategic outcomes are described in Section 3.2 of this Profile.

s.21(1)(a) At Justice Canada, the CRP serves
s.21(1)(b) as a strategic tool within the
Department's IRM Framework. By
providing an overview of the
enterprise-level strategic risks
faced by the Department, the
Profile informs various aspects of
corporate planning, reporting, and
decision-making, including the
allocation of resources (as
illustrated in *Figure 1*). At the same
time, these recurring corporate
planning and reporting activities, as
well as regular senior management
discussions, allow the status and
continued relevance of the CRP to
be monitored. For instance, the
CRP is embedded within the
Department's annual integrated
business planning process to both
guide priority-setting and monitor
the status of Justice Canada's key
corporate risks.

As an IRM tool, the CRP falls under the purview of Management Committee (MC), which is responsible for issues related to integrated risk management within the Department. Updates to the CRP and subsequent action planning are overseen by this committee. In addition, in its role as advisor to the Deputy Minister, the Departmental Audit Committee (DAC) regularly reviews the CRP to stay informed about the management of the Department's enterprise-level strategic risks.

Supporting senior management in governing the CRP is the Corporate Planning, Reporting and Risk Division (CPRR), which serves as the Department's centre of functional expertise for IRM and corporate risk management. CPRR ensures the appropriate identification and assessment of corporate risks through ongoing dialogue with relevant stakeholders, and by reviewing and contributing to relevant corporate documents and submissions. It also utilizes the Department's annual integrated business planning process to monitor and advance the management of corporate risks.

2.3 Methodology

This iteration of the CRP represents a consolidation of input from a multitude of Departmental sources and builds upon the knowledge and business intelligence gleaned from the development of the previous Profile and subsequent substantive monitoring.

In concert with accepted methodology, the updating of the CRP was informed by the analysis of:

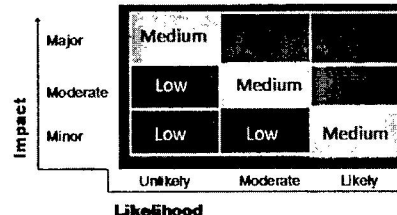
- quantitative and qualitative information submitted on business risks via annual integrated business plans over multiple years (*NB*: annual plans are submitted by every Portfolio, Sector, Branch and Region in the Department);

- evaluation and audit reports;
- Treasury Board Submissions; and,
- other corporate plans and reports, such as the Departmental Investment Plan.

This analysis was used as the basis for extensive consultations and discussions with relevant corporate functional authorities and areas of expertise (e.g., Information Management Branch, Human Resources and Professional Development Directorate, Chief Financial Officer Branch, Policy Sector and Litigation Branch), which further informed the development of the updated Profile. Consultations were also held with the individual members of Management Committee prior to bringing an update forward to that committee for approval.

Key Steps in Developing the CRP

1. Risk identification - The risk must be truly horizontal in nature and/or of such significance that it:
 - directly affects a Departmental Strategic Outcome
 - merits attention of the senior management team
2. Risk assessment – Likelihood and impact of identified risks



3. Outline risk drivers, consequences and mitigation factors

3.0 Organizational Context for Corporate Risks

3.1 Departmental Mandate

Justice Canada has the mandate to support the dual roles of the Minister of Justice and Attorney General of Canada.

Under Canada's federal system, the administration of justice is an area of shared jurisdiction between the federal government and the provinces and territories. The Department supports the Minister of Justice with respect to ministerial responsibilities for 52 statutes and areas of federal law by ensuring a bilingual and bijural national legal framework, principally within the following domains: criminal justice (including justice for victims of crime and youth criminal justice), family justice, access to justice, Aboriginal justice, public law, and private international law.

The Department also supports the Attorney General as the chief law officer of the Crown, both in terms of the ongoing operations of government and of the development of new policies, programs, and services for Canadians. The Department provides legal advice to the Government and federal government departments and agencies, represents the Crown in civil litigation and before administrative tribunals, and drafts legislation.

Essentially, the Department fulfils three distinctive roles within the Government of Canada, acting as a:

- policy department with broad responsibilities for overseeing all matters relating to the administration of justice that fall within the federal domain;
- provider of a range of legal advisory, litigation and legislative drafting services to government departments and agencies; and,
- central agency responsible for supporting the Minister in advising Cabinet on all legal matters.

3.2 Strategic Outcomes

Justice Canada aims to achieve two distinct strategic outcomes, which correspond to the dual role of the Minister of Justice and the Attorney General of Canada. These strategic outcomes, as identified in the Department's Program Alignment Architecture (PAA), are:

- Strategic Outcome 1 - *A fair, relevant and accessible Canadian justice system*
- Strategic Outcome 2 - *A federal government that is supported by high-quality legal services*

3.3 Operating Environment²

Justice Canada is a medium-sized department with approximately 4,500 full-time equivalent employees. Just over half of departmental employees are lawyers, who provide legal services to client departments and agencies. The other half of the Department's employees is comprised of a broad range of professionals, including paralegals, social scientists, program managers, communications specialists, administrative services personnel, and financial officers.

The Department maintains a policy and program development capacity to fulfil core responsibilities associated with the administration of justice in Canada and to support the government of Canada's policy and program priorities related to safety and security. A proportion of this capacity is funded through initiative funding (i.e., funding for a limited duration).

Since the administration of justice in Canada is an area of shared jurisdiction, the Department works with provinces and territories through a wide range of policy and program-related activities. This includes funding to the provinces and territories for the delivery of programs that directly support federal policy objectives. In addition to provincial and territorial partners, the Department must also work with a wide range of stakeholders to ensure that the Canadian justice system is fair, relevant and accessible. This includes Parliament, other federal departments and agencies, municipal governments, non-governmental organizations, and international institutions.

Justice Canada also provides an integrated suite of legal advisory, litigation and legislative services to other federal departments and agencies to help them meet their policy and program priorities and advance the overall objectives of the Government of Canada. Legal services to government are provided on a "portfolio" basis, organized around particular groupings of client departments and agencies. The Department also provides legal services to the Justice portfolio and supports the Minister as legal advisor to the Cabinet on complex, whole-of-government issues. The Department delivers services through a mix of co-located departmental legal services units, specialized branches located within Justice Canada and a network of regional offices located across the country. (Approximately 58% of the Department's employees are located in the National Capital Region, with the remaining 42% located in other regions.) The delivery of legal services is funded through a combination of cost recovery from clients and A-base budget.

² The following section provides an overview of the Department's operating environment and the wide-ranging factors that may shape the strategic risks faced by the Department and how they are managed. Greater detail about specific factors driving the Department's risks can be found in the individual risk summaries included later in this Profile.

All of the Department's activities are supported by internal services and systems that include financial management, human resources management, information management, information technology services, communications, evaluation, and internal audit.

Looking ahead to the operating environment over the next three years, there are a few factors in particular that are expected to have significant implications for the Department. Some of these factors are common to all federal institutions, such as prevailing economic conditions, impacts of globalization, and changing demographics across Canada. Also included among these factors are the considerable influences of the current era of electronic information and connectedness: federal organizations must manage rapidly growing volumes and forms of electronic information; new technologies are increasing the pace of change and fueling expectations - both from outside and within organizations - for immediate response and tailored solutions. In addition, departments and agencies must meet evolving expectations from Central Agencies regarding public sector management and the modernization of the public service (e.g., Blueprint 2020). In this context, the federal public service will continue to be called upon to maximize results and demonstrate value for money.

For Justice Canada, maximizing results will entail not only continuing to provide legal services of high quality but ensuring that it is done in a fiscally sustainable manner. This is the guiding principle underlying the three commitments made by the Department following a government-wide review of legal services in 2014.

s.21(1)(a)

s.21(1)(b)

In tandem, and building on the success of Blueprint 2020, the Department has formulated its "Canada's Legal Team" vision. This vision is meant to guide the changes the Department needs to make in how it delivers its mandate to ensure that it continues to contribute to Canada's success. The vision will drive innovation and the use of technology to improve service delivery and streamline processes, as well as build strong foundations for analytics that will enable evidence-based decision-making. It also includes renewing the Department's relationship with its partner departments and mobilizing its talent to serve the country's evolving needs.

4.0 Corporate Risks

4.1 Corporate Risks at a Glance

The graphic below provides an overview of corporate risks mapped to Justice Canada's two strategic outcomes and categorized according to the assessed level of risk (high, medium, low).

Strategic Outcome 1 - A fair, relevant and accessible Canadian justice system

Strategic Outcome 2 - A federal government that is supported by high-quality legal services



s.21(1)(a)

s.21(1)(b)

4.2 Summaries of Corporate Risks

The following summaries provide additional detail (risk drivers, potential consequences, potential opportunities, mitigation and management priority activities, and ownership) for each corporate risk.

Pages 55 to / à 67
are withheld pursuant to sections
sont retenues en vertu des articles

21(1)(a), 21(1)(b)

of the Access to Information Act
de la Loi sur l'accès à l'information

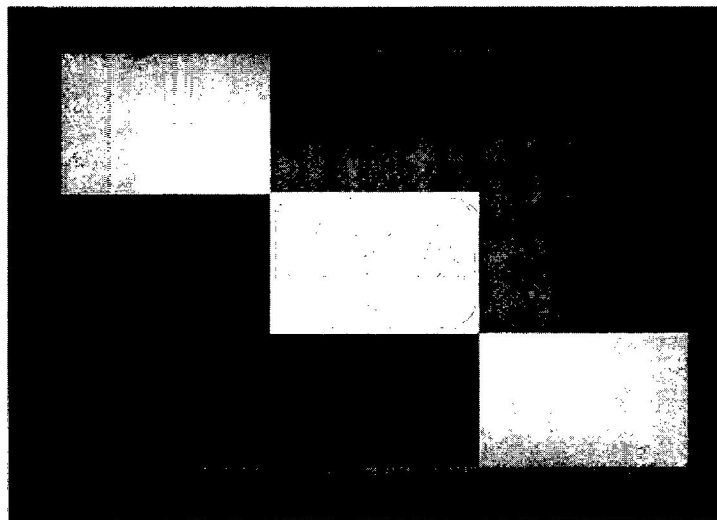


Profil de risque du ministère de la Justice du Canada

Réservé à l'interne



Ministère de la Justice du Canada



Profil de risque du Ministère 2015-2016 à 2017-2018

Approuvé le XXXXX

Préparé par la Division de la planification, rapports et risque ministériels
Direction générale des finances et de la planification
Secteur de la gestion et de la DPF

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s.21(1)(a)

s.21(1)(b)

1.0 Sommaire

Au gouvernement du Canada, le risque désigne, par définition, l'« effet de l'incertitude sur les objectifs ». De façon précise, il exprime la probabilité et les répercussions d'un événement susceptible de nuire à l'atteinte des objectifs de l'organisation. Pour être vraiment efficace, la gestion des risques ne peut se pratiquer en vase clos. Le concept de la gestion intégrée des risques (GIR) favorise un processus systématique, proactif et continu permettant de comprendre, de gérer et de communiquer les risques du point de vue de l'ensemble de l'organisation, et ce, d'une manière cohérente et uniforme.

Le profil de risque du ministère de la Justice (PRM) a été créé à titre d'outil stratégique du Cadre de GIR du Ministère. Le PRM fournit un aperçu agrégé des risques importants liés à la réalisation des objectifs du Ministère, et éventuellement de ses résultats stratégiques. Les risques ministériels sont classés dans l'un des deux résultats stratégiques du Ministère et selon l'évaluation de leur niveau de risque (élevé, moyen, faible).

Résultat stratégique 1 – «Un système de justice canadien équitable, adapté et accessible»

Résultat stratégique 2 – «Un gouvernement fédéral secondé par des services juridiques de haute qualité»



En fournissant un aperçu des risques stratégiques à l'échelle de l'organisation et auxquels fait face le Ministère, le profil peut éclairer à divers égards la planification ministérielle, la production de rapports et la prise de décisions, et notamment l'affectation des ressources. Cet aperçu permet d'attirer l'attention des cadres supérieurs sur la gestion, l'atténuation et la surveillance des principaux risques ministériels. Il sert également de document de référence très utile pour l'ensemble des gestionnaires et des employés qui doivent établir des plans ou des propositions, en particulier ceux présentés à la haute direction aux fins d'examen.

Cette mise à jour du PRM a été préparée en vue d'une planification sur une période de trois ans. Le Ministère continuera de surveiller régulièrement ses risques organisationnels, et le profil sera modifié au besoin.

2.0 Introduction

2.1 À propos du profil de risque du Ministère (PRM)

Au gouvernement du Canada, le risque désigne, par définition, l'« effet de l'incertitude sur les objectifs ». De façon précise, il exprime la probabilité et les répercussions d'un événement susceptible de nuire à l'atteinte des objectifs de l'organisation.

Le profil de risque du Ministère (PRM) se veut un aperçu agrégé des risques importants qui pourraient influencer sur l'atteinte des objectifs du Ministère, et éventuellement de ses résultats stratégiques. Les risques ministériels sont classés dans l'un des deux résultats stratégiques du Ministère et selon l'évaluation d'un niveau de risque (faible, moyen, élevé).¹ Le profil contient une description de chaque risque pour le Ministère ainsi qu'un résumé plus détaillé de l'ensemble des risques élevés.

Approuvé par le Comité de gestion (CG), le PRM représente une perspective partagée du contexte d'exploitation du Ministère et des risques stratégiques auxquels s'expose le Ministère. Le profil permet d'attirer l'attention des cadres supérieurs sur la gestion, l'atténuation et la surveillance de ces risques, en particulier ceux qu'on juge élevés. Il sert également de document de référence très utile pour l'ensemble des gestionnaires et des employés qui doivent établir des plans et des propositions, en particulier des documents présentés à la haute direction aux fins d'examen.

Le PRM est un aperçu ponctuel des risques stratégiques du Ministère. La présente version du profil est une mise à jour du dernier PRM du Ministère, approuvé en novembre 2012. Cette mise à jour du PRM a été préparée en vue d'une planification sur trois ans. Le Ministère continuera de surveiller régulièrement ses risques, et le profil sera modifié au besoin.

2.2 Le PRM et la gestion intégrée des risques (GIR) au ministère de la Justice Canada

En procédant à une gestion des risques, les organisations peuvent reconnaître et comprendre les nouveaux défis et les nouvelles possibilités, s'y adapter et en tirer parti. Dans le contexte de la fonction publique fédérale, l'efficacité de la gestion des risques contribue à l'amélioration de la prise de décisions, à l'affectation des ressources, et donne de meilleurs résultats pour les Canadiens. Pour être vraiment efficace, la gestion des risques ne peut toutefois pas se pratiquer en vase clos. Le concept de la gestion intégrée des risques (GIR) favorise un processus systématique, proactif et continu permettant de comprendre, de gérer et de communiquer les risques du point de vue de l'ensemble de l'organisation, et ce, d'une manière cohérente et uniforme. La GIR constitue un élément important de la gouvernance et de la gestion stratégique, qui représentent des éléments de base du Cadre de responsabilisation de gestion (CRG) du Conseil du Trésor, lequel est utilisé pour évaluer les pratiques et les capacités de gestion des ministères et des organismes fédéraux.

¹ Les résultats stratégiques du Ministère sont décrits à la section 3.2 du présent profil.

Au Ministère de la Justice Canada, le PRM est utilisé comme outil stratégique du Cadre de GIR du Ministère.

s.21(1)(a) En fournissant un aperçu
s.21(1)(b) des risques stratégiques à l'échelle de l'organisation et auxquels s'expose le Ministère, le profil éclaire différents aspects de la planification ministérielle, de la préparation de rapports et de la prise de décisions, notamment l'affectation des ressources (comme on l'illustre à la *figure 1*). Au même moment, ces activités périodiques de planification et de préparation de rapports du Ministère, de même que les discussions régulières de la haute direction, permettent de surveiller le statut et la pertinence continue du

PRM. Par exemple, le PRM fait partie du processus annuel de planification intégrée des activités; il guide l'établissement des priorités et assure la surveillance du statut des principaux risques ministériels.

En tant qu'outil de GIR, le PRM relève du Comité de gestion (CG), qui est responsable des questions liées à la gestion intégrée des risques au sein du Ministère. Les mises à jour du PRM et l'établissement de plans d'action subséquents sont supervisés par le CG. De plus, à titre de conseiller auprès du sous-ministre, le Comité ministériel de vérification (CMV) effectue un examen périodique du PRM pour se tenir au fait des risques stratégiques à l'échelle du Ministère.

La haute direction est secondée dans ses efforts de gestion du PRM par la Division de la planification, rapports et risques ministériels (PRRM), qui agit à titre de centre de compétence fonctionnelle du Ministère pour la GIR et la gestion des risques ministériels. La PRRM effectue la détermination et l'évaluation appropriées des risques ministériels en maintenant un dialogue continu avec les principaux intervenants, mais aussi en examinant les documents et les soumissions utiles du Ministère et en y contribuant. Elle utilise également le processus annuel de planification intégrée des activités du Ministère pour assurer la surveillance et le progrès de la gestion des risques ministériels.

2.3 Méthodologie

Cette itération du PRM représente une consolidation d'intrants provenant d'une multitude de sources du Ministère et s'appuie sur les connaissances et les renseignements opérationnels tirés de l'élaboration du profil précédent et de la surveillance importante qui a suivi.

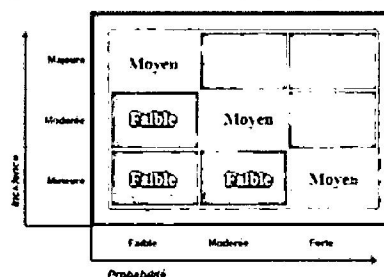
Conformément à la méthodologie acceptée, la mise à jour du PRM a été guidée par l'analyse des documents suivants :

- l'information quantitative et qualitative présentée sur les risques opérationnels dans les plans d'activités intégrés annuels sur plusieurs années (*N.B.* : chaque portefeuille, secteur, direction générale et région soumet un plan annuel au Ministère);
- les rapports d'évaluation et de vérification;
- les présentations au Conseil du Trésor;
- d'autres plans et rapports, comme le plan d'investissement ministériel.

Cette analyse a servi de base aux consultations exhaustives et aux discussions menées avec les autorités fonctionnelles compétentes du Ministère et les secteurs d'expertise (p. ex., la Direction générale de la gestion de l'information, la Direction générale des ressources humaines et du développement professionnel, la Direction générale du dirigeant principal des finances, le Secteur des politiques et la Direction du contentieux), de manière à orienter l'élaboration de la mise à jour du profil. On a aussi consulté personnellement des membres du Comité de gestion avant de présenter une mise à jour au comité aux fins d'approbation.

Principales étapes de l'élaboration du PRM

1. Détermination des risques - le risque doit être véritablement horizontal de nature et/ou assez significatif pour :
 - influencer directement sur un résultat stratégique ministériel;
 - susciter l'attention de la haute direction.
2. Évaluation des risques - probabilité et répercussions des risques répertoriés.



3. Définir les facteurs de risque, leurs conséquences et les facteurs d'atténuation.

3.0 Contexte organisationnel des risques ministériels

3.1 Mandat du Ministère

Le ministère de la Justice Canada a pour mandat d'appuyer le double rôle du ministre de la Justice et procureur général du Canada.

Dans le cadre du système fédéral canadien, l'administration de la justice est un champ de compétence partagé entre le gouvernement fédéral, les provinces et les territoires. Le Ministère soutient le ministre de la Justice dans ses responsabilités ministérielles en ce qui concerne 52 lois fédérales et secteurs du droit fédéral en assurant un cadre juridique national bilingue et bijuridique, principalement dans les domaines suivants : la justice pénale (y compris la justice pour les victimes d'actes criminels et la justice pénale pour les adolescents), la justice familiale, l'accès à la justice, la justice applicable aux Autochtones, le droit public et le droit international privé.

Le Ministère soutient également le procureur général dans ses fonctions de premier conseiller juridique de l'État, tant dans les activités courantes du gouvernement que dans l'élaboration de nouvelles politiques et de nouveaux programmes et services pour les Canadiens. Le Ministère fournit des avis juridiques au gouvernement et aux ministères et organismes fédéraux, représente

l'État dans les contentieux des affaires civiles et devant les tribunaux administratifs, et il rédige des textes législatifs.

Le Ministère exerce essentiellement trois fonctions distinctes au sein du gouvernement du Canada, à savoir :

- le ministère chargé de l'établissement de politiques avec d'importantes responsabilités de supervision pour toutes les questions relatives à l'administration de la justice qui relèvent du domaine fédéral;
- le prestataire d'un vaste éventail de services de consultation juridique, de contentieux et de rédaction législative aux ministères et aux organismes fédéraux;
- l'organisme central ayant pour responsabilité d'apporter un soutien au ministre en ce qui a trait aux conseils fournis au cabinet pour toutes les questions juridiques.

3.2 Résultats stratégiques

Le ministère de la Justice Canada vise l'atteinte de deux résultats stratégiques distincts, qui correspondent au double rôle que joue le ministre de la Justice et procureur général du Canada. Ces résultats stratégiques, tels qu'établis dans l'Architecture d'alignement des programmes (AAP) du Ministère, sont les suivants :

- Résultat stratégique 1 - *Un système de justice canadien équitable, adapté et accessible*
- Résultat stratégique 2 - *Des services juridiques de qualité élevée pour seconder le gouvernement du Canada*

3.3 Contexte d'exploitation ²

Le ministère de la Justice Canada est un ministère de taille moyenne qui compte quelque 4 500 employés équivalents temps plein. Un peu plus de la moitié de ces employés sont des juristes qui rendent des services juridiques aux ministères et aux organismes clients. L'autre moitié du personnel du Ministère est constituée d'une vaste gamme de professionnels, notamment de parajuristes, de spécialistes en sciences sociales, de gestionnaires de programmes, de spécialistes des communications, de personnel des services administratifs et d'agents financiers.

Le Ministère maintient des capacités en élaboration de politiques et de programmes afin de s'acquitter de ses responsabilités de base associées à l'administration de la justice au Canada et afin de soutenir l'application des priorités de politique publique et de programmes du gouvernement du Canada en matière de sécurité. Une partie de ces capacités est financée par des initiatives (c.-à-d. par le financement pour une durée limitée).

Puisque l'administration de la justice au Canada est un domaine de compétence partagée, le Ministère collabore avec les provinces et territoires en menant un large éventail d'activités portant sur les politiques et les programmes. Il finance notamment les provinces et les territoires pour la prestation de programmes qui appuient directement les objectifs stratégiques fédéraux. En plus de ses partenaires provinciaux et territoriaux, le Ministère doit également collaborer avec un vaste ensemble d'intervenants pour créer un système de justice canadien équitable, adapté et accessible. Ces intervenants sont le Parlement, les autres ministères et les organismes fédéraux,

² La section suivante donne un aperçu du contexte opérationnel du Ministère et des facteurs de grande portée qui peuvent façonner ses risques stratégiques, ainsi que de la façon dont ces risques sont gérés. Les sommaires de risques présentés ci-dessous fournissent des renseignements détaillés sur les facteurs influant sur les risques ministériels.

les administrations municipales, les organisations non gouvernementales, et les institutions internationales.

Le Ministère offre également aux autres ministères et aux organismes fédéraux un ensemble intégré de services de consultation juridique, de contentieux et de rédaction législative pour les aider à satisfaire leurs priorités stratégiques et de programmes et à atteindre l'ensemble des objectifs du gouvernement du Canada. Les services juridiques au gouvernement sont offerts par l'entremise de « portefeuilles » organisés autour de regroupements particuliers de ministères et d'organismes clients. Le Ministère fournit également des services juridiques au portefeuille de justice et appuie le ministre dans son rôle de conseiller juridique au Cabinet relativement à des enjeux complexes à l'échelle du gouvernement. Le Ministère rend des services par l'intermédiaire de diverses unités de services juridiques situées dans d'autres ministères, de directions spécialisées situées au ministère de la Justice Canada et d'un réseau des bureaux régionaux à travers le pays. (Environ 58 % des employés du Ministère travaillent dans la région de la capitale nationale, l'autre tranche de 42 % travaillant dans d'autres régions.) La prestation des services juridiques est financée par la combinaison de mesures de recouvrement des coûts auprès des clients et d'un budget de services votés.

Toutes les activités s'appuient sur des services internes et des systèmes de gestion des ressources financières et humaines, de gestion de l'information, de services de technologie de l'information, de communications, d'évaluation et de vérification interne.

Si l'on observe le contexte d'exploitation qui nous attend au cours des trois prochaines années, on peut s'attendre à ce que quelques facteurs en particulier aient d'importantes répercussions sur le Ministère. Certains de ces facteurs s'appliquent à toutes les institutions fédérales, notamment l'état de l'économie, les incidences de la mondialisation et les changements démographiques à la grandeur du Canada. Ces facteurs comprennent également les influences considérables de l'ère actuelle de l'information électronique et de la connectivité : les organisations fédérales doivent gérer rapidement des formes et des volumes croissants d'information électroniques; les nouvelles technologies accélèrent le rythme des changements et modifient les attentes de chargement - tant à l'intérieur qu'à l'extérieur des organisations - en vue d'interventions immédiates et de solutions adaptées. De plus, les ministères et les organisations doivent répondre aux nouvelles attentes des organismes centraux en ce qui concerne la gestion du secteur public et la modernisation de la fonction publique (p. ex., Objectif 2020). Dans ce contexte, on continuera de demander à la fonction publique fédérale de maximiser ses résultats et de démontrer que les ressources sont utilisées de façon optimale.

Pour maximiser ses résultats, le ministère de la Justice Canada devra non seulement continuer à offrir des services juridiques de grande qualité, mais il devra le faire de manière rentable. Il s'agit du principe directeur sur lequel reposent les trois engagements pris par le Ministère à la suite de l'examen pangouvernemental des services juridiques effectué en 2014.

s.21(1)(a)
s.21(1)(b)

Parallèlement, et en misant sur la réussite de l'initiative Objectif 2020, le Ministère a formulé sa vision d'« équipe juridique du Canada ». Cette vision a été conçue pour orienter les changements que doit apporter le Ministère quant à sa façon de réaliser son mandat, et ce, afin de continuer à contribuer à la réussite du Canada. La vision favorisera l'innovation et l'utilisation de la technologie afin d'améliorer la prestation des services, de simplifier les processus et d'établir des bases solides qui permettront de prendre des décisions appuyées sur des faits. Elle prévoit également le renouvellement des relations entre le Ministère et ses partenaires ministériels, ainsi que la mobilisation de ses talents afin de répondre aux besoins changeants du pays.

4.0 Risques ministériels

4.1 Aperçu des risques ministériels

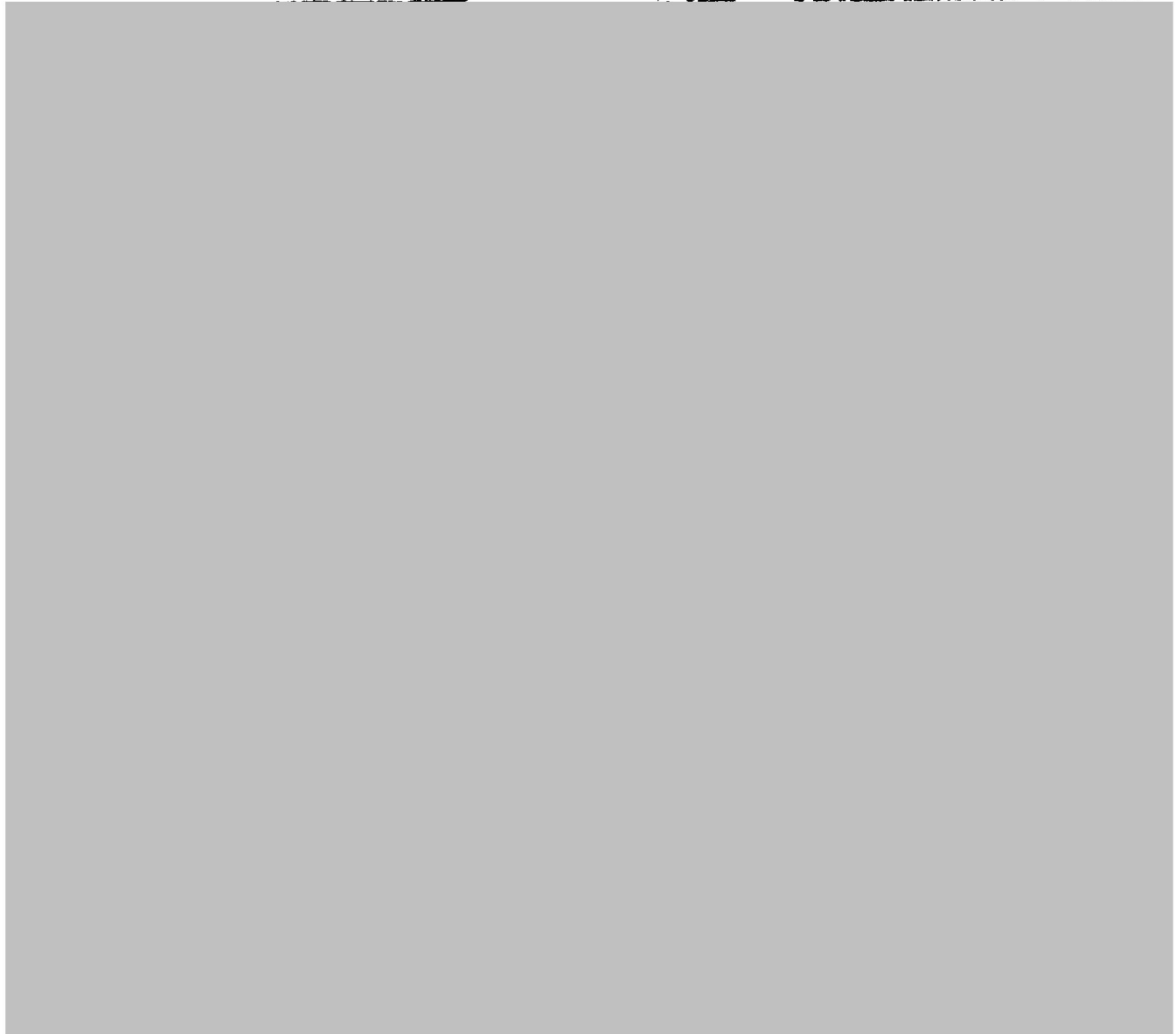
Le graphique ci-après donne un aperçu des risques ministériels classés selon les deux résultats stratégiques du ministère de la Justice Canada et l'évaluation du niveau de risque (élevé, moyen, faible).

s.21(1)(a)

s.21(1)(b)

Résultat stratégique 1 – Un système de justice Canadien équitable, adapté et accessible

Résultat stratégique 2 – Un gouvernement fédéral secondé par des services juridiques de haute qualité



4.2 Sommaires des risques ministériels

Les sommaires qui suivent donnent de plus amples détails (p. ex., les facteurs de risque, les conséquences éventuelles, les perspectives éventuelles, les secteurs prioritaires d'atténuation et de gestion des risques, et la responsabilité) de chacun.

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SERVING CANADIANS
AU SERVICE DES CANADIENS



DEPARTMENT OF JUSTICE CANADA MINISTÈRE DE LA JUSTICE CANADA

Updating the Corporate Risk Profile

Presentation to Management Committee

October 29, 2015

Sponsor: Assistant Deputy Minister, Management Sector and Chief Financial Officer

Presenters: William Bedford – Corporate Planning, Reporting and Risk Division

Janice McDonald – Corporate Planning, Reporting and Risk Division



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

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Purpose

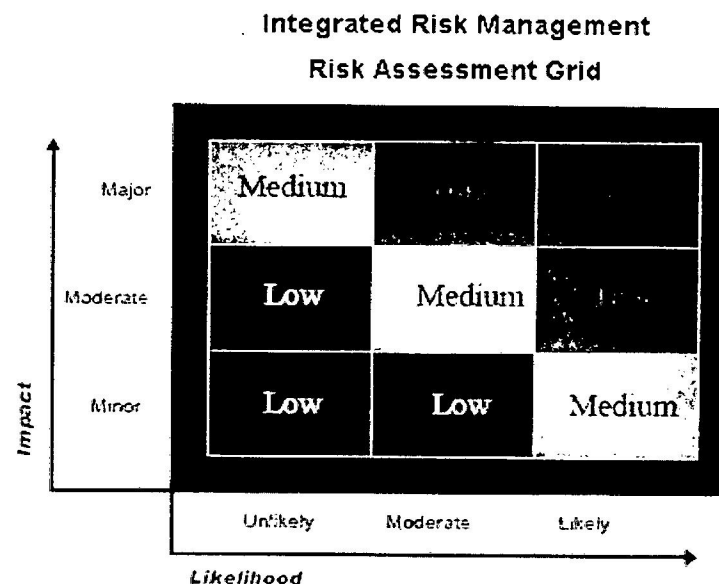
- The purpose of this presentation is to seek:
 - Approval of the updated Corporate Risk Profile (CRP)
 - Direction with respect to next steps





Background

- Steps in developing a CRP (as per TBS guidance):
 1. Risk identification
 - *The risk must be truly horizontal in nature and/or of such significance that it directly affects a Departmental Strategic Outcome*
 - *Merits attention of the senior management team*
 2. Risk assessment – likelihood and impact of identified risks
 3. Outline risk drivers, consequences and mitigation factors
- Justice Canada's CRP:
 - Considers the Department's organizational context
 - Provides an aggregate view of key risks that could significantly influence the Department's overall priorities and achievement of Strategic Outcomes
 - Identifies low, medium and high *residual* risks
 - Focuses attention on areas requiring further management and/or mitigation (based on risk tolerance)



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Methodology for Updating the CRP

1. Identify potential corporate risks and ratings (Nov. 2014 to April 2015)

- Complete analysis of integrated business plans
- Consult with key functional areas & OPIs (e.g., HRB, ISB, Policy Sector, etc.)
- Review additional source documents:
 - Other corporate plans and reports, such as evaluations and internal audits
 - MAF assessments
 - Treasury Board Submissions

2. Consultations (April to July 2015)

- Bi-lateral meetings with 'select' Directors General
- Bi-lateral meetings with each Management Committee member

3. Final drafting of the updated CRP (August to September 2015)

- Additional follow-up with key functional areas and OPIs

Seek approval of CRP (October 2015)


- Present to Management Committee



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Organizational Context for Updating the Corporate Risk Profile

- Last version of the Corporate Risk Profile looked out over a three-year horizon and was approved in November 2012
 - Justice Canada's Strategic Outcomes have remained unchanged since then
 - In addition, the Department's operating environment continues to be shaped by many of the same factors identified in the last CRP
 - Prevailing economic conditions
 - Considerable influences of the current era of electronic information and connectedness
 - Expectations regarding public sector management and modernization
 - Dynamics of the Canadian justice system
 - Requirements for specialized skills/expertise
 - Nonetheless, some initiatives have progressed and some factors have evolved, which has resulted in revisions to certain risk titles, descriptions and/or ratings
 - 
 - While certain existing corporate risks have changed in nature, no new corporate risks have been identified
-

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)



MINISTÈRE DU JUSTICE
DEPARTMENT OF JUSTICE



Updated Corporate Risks and Ratings

**Strategic Outcome 1 - A fair,
relevant and accessible
Canadian justice system**

**Strategic Outcome 2 - A federal
government that is supported
by high-quality legal services**

s.21(1)(a)

s.21(1)(b)



NB: For risk descriptions, please refer to the Annex

* Risk has been revised compared to previous CRP

↓ Denotes that risk level is lower than in the previous CRP



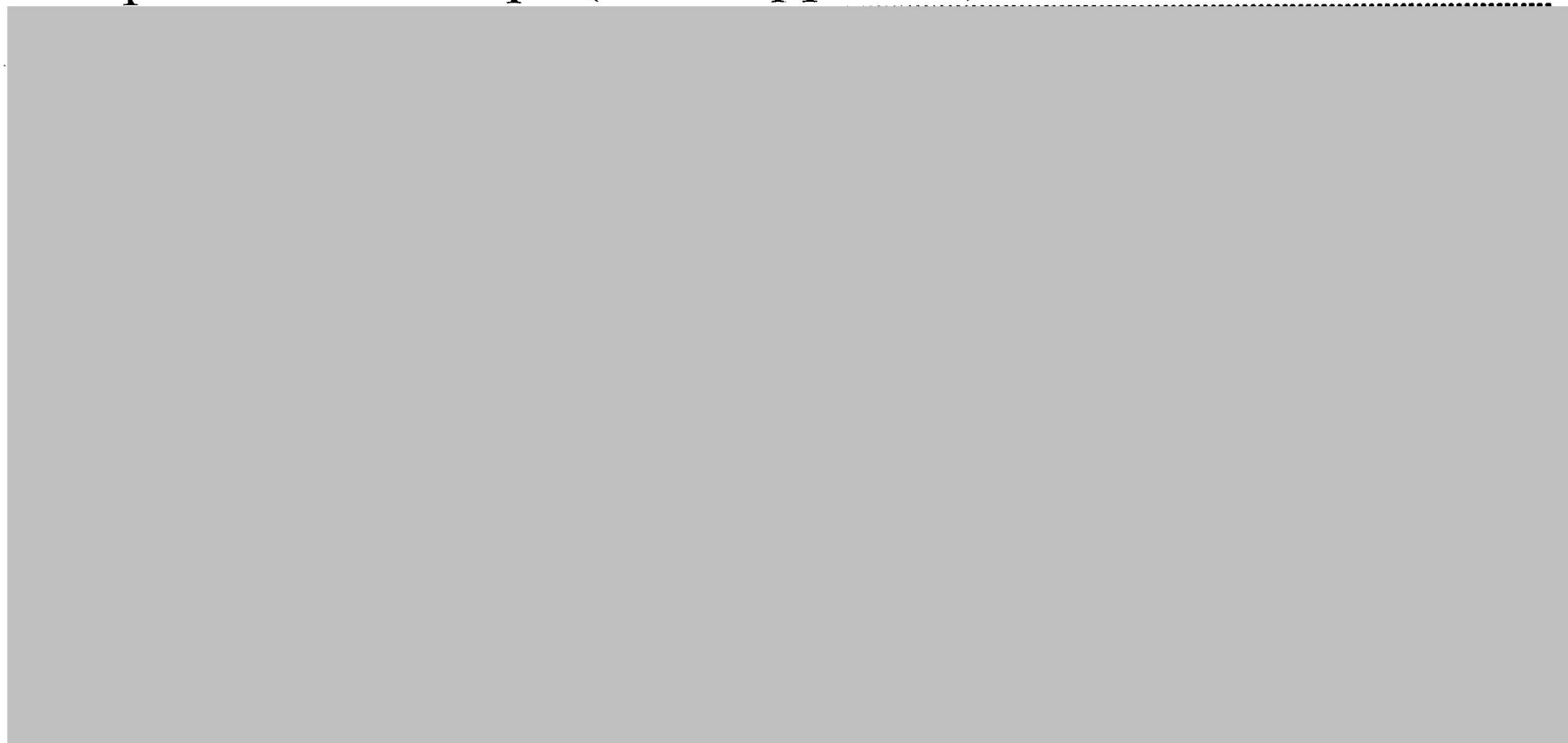
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Proposed Next Steps (Post Approval)



s.21(1)(a)
s.21(1)(b)



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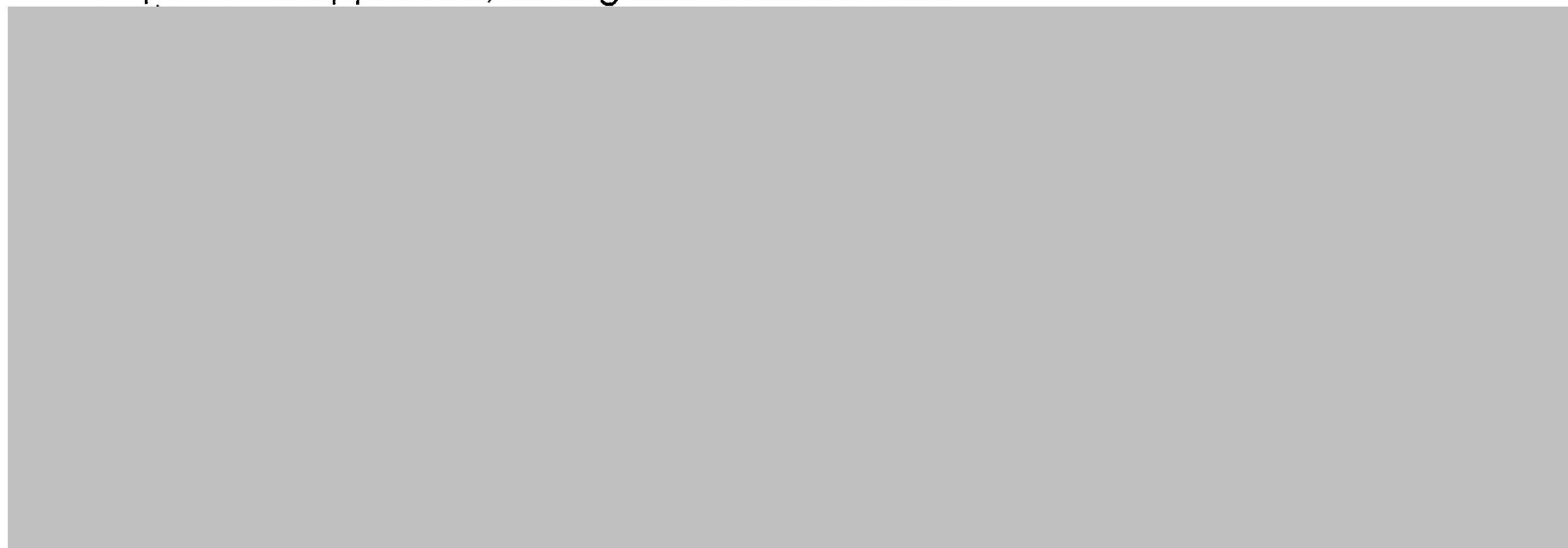
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Questions for Discussion

- Given that corporate risk management is a collective responsibility of the Committee members, do you concur with the content of the CRP (including risk descriptions, ratings, and identified risk owners)?
- Should a follow-up action plan be considered? How should such a plan be developed and approved, taking into account that:

s.21(1)(a)
s.21(1)(b)



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AS 010034 DIS 00000188



Comments Received On Draft Material Provided To Management Committee Members

- Overall, there appears to be consensus amongst Management Committee members on most of the Profile content
- However, the following comments/observations were made
 - Corporate Risks and Ratings

s.21(1)(a)
s.21(1)(b)

- Risk Summaries

Legend:

✓ = change made

⊗ = discussion/direction required



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Comments Received On Draft Material Provided To Management Committee Members (cont'd)

- The following comments/observations were made (continued)

s.21(1)(a)
s.21(1)(b)



Legend:

✓ = change made

Ⓢ = discussion/direction required



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ANNEX



s.21(1)(a)

s.21(1)(b)

**Strategic Outcome 1 - A fair, relevant and accessible
Canadian justice system**

**Strategic Outcome 2 - A federal government that is
supported by high-quality legal services**



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CCM#: 2015-013008
Protected B
For Information

MEMORANDUM TO THE DEPUTY MINISTER

Briefing of Chiefs of Staff in Ministers' Offices on the Legislative and Regulatory Processes (FOR INFORMATION)

SUMMARY

s.21(1)(a)
s.21(1)(b)



BACKGROUND



Page 106

**is withheld pursuant to sections
est retenue en vertu des articles**

21(1)(a), 21(1)(b)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

- 3 -

Protected B

s.21(1)(a)

s.21(1)(b)

RESOURCE IMPLICATIONS

N/A

COMMUNICATION IMPLICATIONS

N/A

Attachment

Annex A – Project management tools for legislative projects (English version)

Prepared by:

Claudette Rondeau, Special Advisor and Legal Counsel, LSB, (613-948-2985)

Date: November 13, 2015

Approved by:

Philippe Hallée, Chief Legislative Counsel, LSB, (613-941-4178)

Date: November 13, 2015

Approved by:

Pierre Legault, Associate Deputy Minister

Date:

CCM#: 2015-013008



Legislative Projects Handbook

Legislative Services Branch

Legislation Section



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

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Purpose

The *Legislative Projects Handbook* (Handbook) is part of a series of project management tools developed by the Legislative Services Branch (LSB) to enable it to deliver high quality bills and regulations.

The Handbook has four main components:

- a description of the roles and responsibilities of the instructing officer, the legal services unit counsel (LSU counsel) and the legislative counsel
- a drafting instructions checklist, intended for instructing officers, and a legal considerations checklist, which can be used by the LSU counsel to identify potential legal issues
- a description of the process within the LSB when a drafting file is opened
- the LSB's best practices for project management, which guide the LSB's approach to each legislative project.

The Handbook is designed to be used in conjunction with the project planning tool for bills (an Excel document), which is designed to assist legislative counsel in reviewing the drafting process with the instructing officer and the LSU counsel and in establishing an appropriate schedule for the project. The project planning tool does not include steps beyond the bill's introduction in Parliament and so does not address the preparation of government motions in amendment.

Legislative counsel use the project planning tool to establish a schedule for the completion of the project. The project planning tool generates a bar graph that displays the average duration and the adjusted duration for each step in the drafting process. The time required for each step varies depending on the project's level of complexity as determined by the legislative counsel using the Table of Complexity Levels for Legislative Files (see Annex).

The Handbook is also designed to be used in conjunction with the flow chart that describes the bill drafting process.

Roles and Responsibilities – Instructing Officer

The instructing officer is an official from the sponsoring department who is familiar with the subject matter of the proposed bill. Occasionally, because the bill deals with matters that are the responsibility of more than one minister, several departments may be involved. If that is the case, each department may assign an instructing officer to the project.

The role of the instructing officer is to transform policy decisions made by the sponsoring department into drafting instructions. The instructing officer should also be able to readily consult senior officials in his or her department so that answers or decisions about priorities and policies can be quickly obtained, given that questions relating to such matters invariably arise during the drafting of a bill.

The instructing officer must also comment on both language versions of the successive drafts of the bill and as such, he or she must be proficient in both English and French. In this way, the drafting will proceed more efficiently and result in a better quality bill. The *Cabinet Directive on Law-making* requires sponsoring departments to have the capacity to instruct legislative counsel and respond to their questions, in both official languages, and to evaluate both versions of the text.

Roles and Responsibilities – Legal Services Unit Counsel

The LSU counsel plays an important role throughout the legislative process and is generally involved from the outset, during policy formulation and the preparation of the Memorandum to Cabinet. He or she should have a sound understanding of the subject matter of the proposed bill and should also be proficient in both official languages.

In addition to providing preliminary explanations to the instructing officer about how the legislative drafting process works and what it requires – in particular, the uniquely Canadian bilingual and bijural requirements – the LSU counsel provides legal advice regarding the proposed policy initiatives and legislative options.

The LSU counsel ensures that the proposed measures and their implementation are consistent with legal principles and policy and, if necessary, consults legal specialists in the Department of Justice.

Roles and Responsibilities – Legislative Counsel

Legislative counsel in the LSB draft all government bills (other than fiscal and supply bills); they are responsible for transforming government policy into a legally sound bill that gives effect to the policy. They also provide legal and legislative policy advice to departmental officials with respect to legislative proposals.

Legislative counsel strive to draft legislative texts that are clear and easily understood. As much as possible, they draft using plain language and in conformity with drafting conventions. They also take into account rules and principles applied by the courts when interpreting legislative texts. They also work to ensure the coherence and consistency of federal statutes and regulations in keeping with their role as stewards of the federal legislative corpus.

As part of their work, legislative counsel review government bills in light of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*. They may perform this function in consultation with the Human Rights Law Section and the Constitutional, Administrative and International Law Section of the Department of Justice.

Legislative counsel ensure that the bill respects the limits authorized by Cabinet. They point out any place where the bill deviates from the drafting instructions approved by Cabinet, whether provisions not approved by Cabinet are included or, conversely, whether provisions required by Cabinet were omitted.

Drafting Instructions Checklist

Ordinarily, the drafting of a bill begins once a legislative proposal has been authorized by Cabinet. The drafting instructions both determine and limit the contents of the bill. They should express the underlying policy but be general and flexible enough to allow for the details of the legislative scheme to be worked out.

While a bill is being drafted, issues can be raised that were not foreseen when Cabinet approved the drafting instructions. Cabinet must approve any changes made during drafting that have an impact on the policy it has approved or that raise issues it has not previously considered. Urgent major changes may be approved by the Prime Minister and the chair of the relevant policy committee of Cabinet together with other interested ministers.

Exceptionally, the drafting process may be started if a pre-drafting authorization is granted by the Privy Council Office following a request signed by the Deputy Minister of the sponsoring department. It should be noted that the Privy Council Office will then require that drafting instructions be ready and approved by the Deputy Minister. Finally, certain items for budget implementation bills are approved through a special process established by the Department of Finance.

The drafting instructions must set out, in both official languages, the policy that the sponsoring department intends to implement in the bill. Supporting documentation should also be provided to the legislative counsel. Using this information, legislative counsel produce drafts that conform to standards for the presentation of legislation. The instructing officer is then asked to review the English and French drafts to ensure that they set out the policy that is intended.

The amount of time it takes to draft a bill depends on the quality of the drafting instructions. If policy objectives are frequently being adjusted or refined, this will slow down the drafting process. Clear and comprehensive drafting instructions can be formulated only after the completion of a thorough, in-depth analysis of the problems to be addressed, the proposed legislative measure, and the practical and legal consequences of that measure. The sponsoring department must be in a position to provide final decisions on policy to legislative counsel. The instructions should contain complete and detailed information about

- the problems to be resolved and the solutions proposed
- the objectives of the sponsoring department and the means by which they may be carried out
- any regulations that may be required
- any amendments required to other Acts

- any relevant legislative precedents
- any legal risks related to the legislative measure
- the means by which contraventions of the Act will be dealt with
- any transitional provisions required to implement changes to other legislative schemes.

Legal Considerations Checklist

Before engaging with the LSB, the LSU counsel and the instructing officer should discuss the legal considerations that could affect the bill, as set out in the following checklist. This checklist also supports the legislative counsel's functions related to risk assessment.

- Have any legal concerns already been identified in connection with the bill?
- Does Parliament have constitutional authority to enact the bill?
- Does the bill affect any matters within provincial jurisdiction?
- Is the bill inconsistent with the purposes and provisions of the *Canadian Charter of Rights and Freedoms* or of the *Canadian Bill of Rights*?
- Does the bill raise any gender or other equality issues?
- Is the bill consistent with Acts of general application such as the *Access to Information Act*, the *Privacy Act*, the *Official Languages Act* and the *Financial Administration Act*?
- Does the bill unnecessarily duplicate provisions in the *Interpretation Act*, the *Criminal Code* or any other Acts of general application? If they are not identical, is there a good reason for the difference?
- Do any elements of the bill conflict with other legislation?
- Does the bill deal with matters that are also dealt with by another bill that is being prepared or that has been introduced in Parliament? If so, are the responsible officials aware of the overlap?
- Does the bill respond effectively to any court decisions or legal opinions that gave rise to the legislation or any of its elements?
- Are there any international agreements to which Canada is a signatory that have a bearing on the bill?
- Does the bill affect existing treaty rights and obligations?
- Does the bill rely on – explicitly or implicitly – private law concepts that take their meaning from provincial law? Does the bill use terms that correspond to rules, principles or concepts in force in a province? Does it implicitly rely on provincial private law to supplement it in its application? If so, have both legal systems (civil law in Quebec and common law elsewhere in Canada) been considered?
- Does the bill have financial implications that will require a royal recommendation (for spending measures) or a ways and means motion (for taxation measures)?

Process Within the Legislative Services Branch

When the Legislation Section receives a request to draft a bill, it assigns two legislative counsel to the file – one who drafts in English and one who drafts in French. The legislative counsel discuss the legal and drafting issues related to the file. They also meet with the instructing officer and the LSU counsel to obtain clarification of certain matters and confirm their understanding of the policy to be set out in the bill.

As the drafting progresses, the legislative counsel may produce several drafts of the bill. A draft is not the final product; on the contrary, it may be just a starting point. Its purpose is to give the instructing officer an opportunity to verify that their drafting instructions have been understood and implemented by the legislative counsel.

The bill is also reviewed by reviewing officers (usually more experienced legislative counsel in the Legislation Section), bijural experts, legistic revisors and jurilinguists. Legislative counsel from the Regulations Section also review any enabling provisions. When establishing the schedule for the project, it is important to allow sufficient time for these reviews to be completed. The bill may have to be reviewed more than once, depending on the extent of the changes made.

Bijural experts are legal counsel who specialize in comparative law as well as legal concepts in both civil law and common law. They are responsible for implementing the Department of Justice's *Policy on Legislative Bijuralism*. Bijural experts review every bill in order to ensure that it adequately reflects the bijural nature of the Canadian legal system through the appropriate use of private law terminology in both official languages.

Legistic revisors review each language version of the bill to verify the grammar, punctuation, cross-references, historical citations and the structure and format of the bill.

Jurilinguists ensure the linguistic quality of the bill in each official language. To that end, they conduct terminological research and answer language-related questions from legislative counsel. They compare the two language versions to ensure that they have the same meaning.

Legal counsel of the Advisory and Development Services Section advise sponsoring departments as to which instrument is best suited to achieve their policy objectives. They also offer advice on legal, policy and language matters related to the drafting, enactment, operation and interpretation of legislative texts.

It is easy to underestimate the time required for drafting a bill. It is a complex process that involves multiple steps and demands considerable time and energy. The Department of Justice has a limited number of legislative counsel, bijural experts, legistic revisors and jurilinguists, all of whom must devote their time and energy to the projects that are the most pressing and important.

Best Practices for Project Management

The following best practices guide the LSB's approach to each legislative project (bill or regulation) and to the overall management of its portfolio of projects.

1. Legislative counsel work closely with the instructing officer to define the project's legislative objectives (i.e. the details of the policy decisions to be captured in the bill or the regulation), and its scope (i.e. the breadth and complexity), to the greatest extent possible.
2. Legislative counsel ensure that project participants' roles and responsibilities are clearly defined, well communicated and agreed upon by the project team.
3. The LSB ensures that the instructing officer understands that he or she must prepare for the drafting phase with drafting instructions that are as well developed as possible.
4. The LSB managers allocate and control the LSB's resources, appropriately assigning legislative counsel according to the priority, breadth, complexity and schedule of the project.
5. Legislative counsel and LSB managers analyze the project's legal risks as early as possible, reassess them as required as the project progresses and develop appropriate strategies for managing and mitigating those risks.
6. Legislative counsel strive to facilitate communication and coordination within the project team and develop a consensus on the project plan.
7. Whenever feasible, the LSB uses project management tools to formalize the planning and management of each project.
8. Legislative counsel monitor and manage the progress of the project in relation to its schedule on an ongoing basis and adjust the schedule when necessary, for example in order to address any changes in the project's priority or any policy changes made by the sponsoring department or Cabinet.
9. The LSB conducts reviews at the conclusion of particularly large or complex projects, as selected by LSB management. Lessons learned from these reviews will help improve the LSB's project planning tools and project management processes.

Annex – Table of Complexity Levels for Legislative Files

The legislative counsel assigned to a legislative file (bill or regulation) must determine the complexity level of the file as soon as the file is opened. The complexity level can be revised as the file progresses.

There are four complexity levels: low, medium, high and mega. The following table sets out some characteristics of files at each of the complexity levels and should be used by legislative counsel in determining a file's complexity level.

In determining the complexity level of a file it is not necessary that the file demonstrates all of the characteristics associated with that level.

In addition, although the length of a regulation or a bill is not the main characteristic determining complexity level, it may be a factor to take into consideration.

Finally, if it is too early in the lifecycle of the file to properly determine its complexity level, legislative counsel may indicate “not applicable” and must re-evaluate the complexity of the file as it progresses.

Complexity Level	Characteristics
Low	<ul style="list-style-type: none"> • Routine bills and regulations or minor amendments to Acts or regulations • Routine orders in council that are drafted by the sponsoring department or agency but need to be reviewed • Projects requiring minimal legal research and analysis • Projects requiring minimal consultations with the instructing officer and LSU counsel (for example, the policy is well developed or the role of the instructing officer and the LSU counsel is limited to reviewing drafts) • Projects requiring little technical drafting and where the policy is of low complexity • Bills that are less than 30 pages • Regulations that are less than 5 pages
Medium	<ul style="list-style-type: none"> • Bills or regulations requiring a significant amount of legal analysis and research on topics such as incorporation by reference, <i>Statutory Instruments Act</i> exemptions, official languages, subdelegation of powers and the scope of the enabling statute • Projects requiring consultations with the instructing officer and LSU counsel (for example, to clarify policy and make decisions in order to complete drafts) • Projects requiring consultations with the Department's specialized sections (for example, the Human Rights Law Section and the Constitutional, Administrative and International Law Section) and LSB's Advisory and Development Services Section

Complexity Level	Characteristics
	<ul style="list-style-type: none"> • Projects where the policy is not fully defined, requiring the involvement of legislative counsel to refine it • Projects requiring a moderate amount of technical drafting and where the policy is of medium complexity (for example, a legislative text requiring the drafting of coordinating amendments) • Bills between 30 and 60 pages • Regulations between 6 and 15 pages
High	<ul style="list-style-type: none"> • New bills or regulations, or significant amendments to Acts or regulations, involving a new area of the law or an area that has not been recently legislated, or affecting more than one government department • Bills or regulations dealing with matters of national interest or of importance to the government as a whole or involving issues of considerable political and public sensitivity • Projects requiring consultations on an ongoing basis with the instructing officer and LSU counsel (for example, significant involvement of the instructing officer and the LSU counsel is required during drafting because the policy is not fully defined or keeps changing) • Projects requiring consultations on an ongoing basis with the Department's specialized sections (for example, the Human Rights Law Section, the Constitutional, Administrative and International Law Section) and with LSB's Advisory and Development Services Section • Projects where the policy is not fully defined, requiring significant involvement by legislative counsel to refine it • Projects requiring a considerable amount of technical drafting and where the policy is of high complexity • Bills between 60 and 100 pages • Regulations between 16 and 40 pages
Mega	<ul style="list-style-type: none"> • Controversial bills or regulations that are likely to attract the attention of interest groups or national media • Bills or regulations that have broad governmental, societal or legal implications • Bills or regulations requiring amendments to several Acts or regulations and which have a significant impact on the government's operations, programs or budget • Bills or regulations requiring extensive consultations with various groups, the instructing officer, the Department's specialized sections, etc. (for example, the presence of the instructing officer and LSU counsel is required on an ongoing basis to enable drafting to occur due to the numerous legal or policy issues that must be resolved) • Bills of more than 100 pages • Regulations of more than 40 pages

Legislative Services Branch

Project Planning Tool for Bills

Tab 1: Instructions

Introduction

This project planning tool has three tabs (including this one). This tab – Tab 1 – provides step-by-step instructions for using this project planning tool. Tab 2 (the Project Planning Tool Dashboard) allows legislative counsel to enter the duration of each step in the bill drafting process. Tab 3 (the Bar Graph – Average vs. Adjusted Schedule) will automatically display the schedule for the project in the form of a bar graph. For each step, the average duration is depicted as the darker green bar and the adjusted duration is depicted as the lighter green bar.

Step-by-Step Instructions for Using the Project Planning Tool

1. Enter the working title of the bill in the "Title of the bill" field.
2. Enter the date in the "Start Date" field. This date will be automatically displayed as the start date of the project.
3. Using the Legislative Services Branch's Table of Complexity Levels for Legislative Files, select the complexity level for the bill from the drop-down list in the "Complexity Level" field. The choices (low, medium, high or mega) relate to the projected complexity and length of the bill, which should roughly correlate to the amount of time required to complete the project. A short bill could be very complex, of course, so length of the bill is not the only factor that is taken into consideration.
4. When you select the appropriate complexity level, the average duration of each step for a bill of that level will be automatically displayed in the relevant cells for each step in the "Average Duration" column of the project planning tool. At the same time, the project planning tool will calculate the start and end dates for each step and will display those dates in the "Start" and "End" columns.
5. In some cases you may need to explore the possibility of adjusting the duration of some steps. To adjust the duration of a step, either add or subtract the desired number of days in the "Adjustment (+ or -)" field for the step. To shorten the duration of a step, enter a minus sign and the number of days to be subtracted from the average duration. To lengthen the duration of a step, enter a plus sign and the number of days to be added to the average duration. As you make each adjustment, the project planning tool will recalculate the start and end dates for all steps and the end date of the project will change as well. If it is necessary to change the start or end date of a particular step, the date may also be manually adjusted. All subsequent dates will be automatically adjusted.
6. The average duration of a step takes into account the fact that legislative counsel, jurilinguists, legistic revisors and bilingual experts work on several legislative files at once. The project planning tool also assumes that work will be carried out on normal business days, not on weekends.
7. When you have adjusted the project schedule to your satisfaction, finalize the information in the upper right corner regarding privacy and security markings and save it on the X:/ drive. Provide printed copies of all three tabs to the instructing officer and the legal services unit counsel (LSU counsel).

Caution

The dates set out in Tab 2 by which each step will be completed are only projections based on discussions between the legislative counsel, the instructing officer and the LSU counsel at the beginning, or during the course, of a legislative file. The dates are subject to change based on a number of factors, including

- any changes in governmental priorities that may affect the priority given to the legislative file
- any policy changes made by the sponsoring department or Cabinet
- the timeliness of comments from the instructing officer on both the English and French versions of a draft
- the observance by all participants on the file of their respective roles.

CONFIDENCE OF THE QUEEN'S PRIVY COUNCIL when completed
SECRET when completed

Project Planning Tool for Bills

Tab 2: Project Planning Tool Dashboard

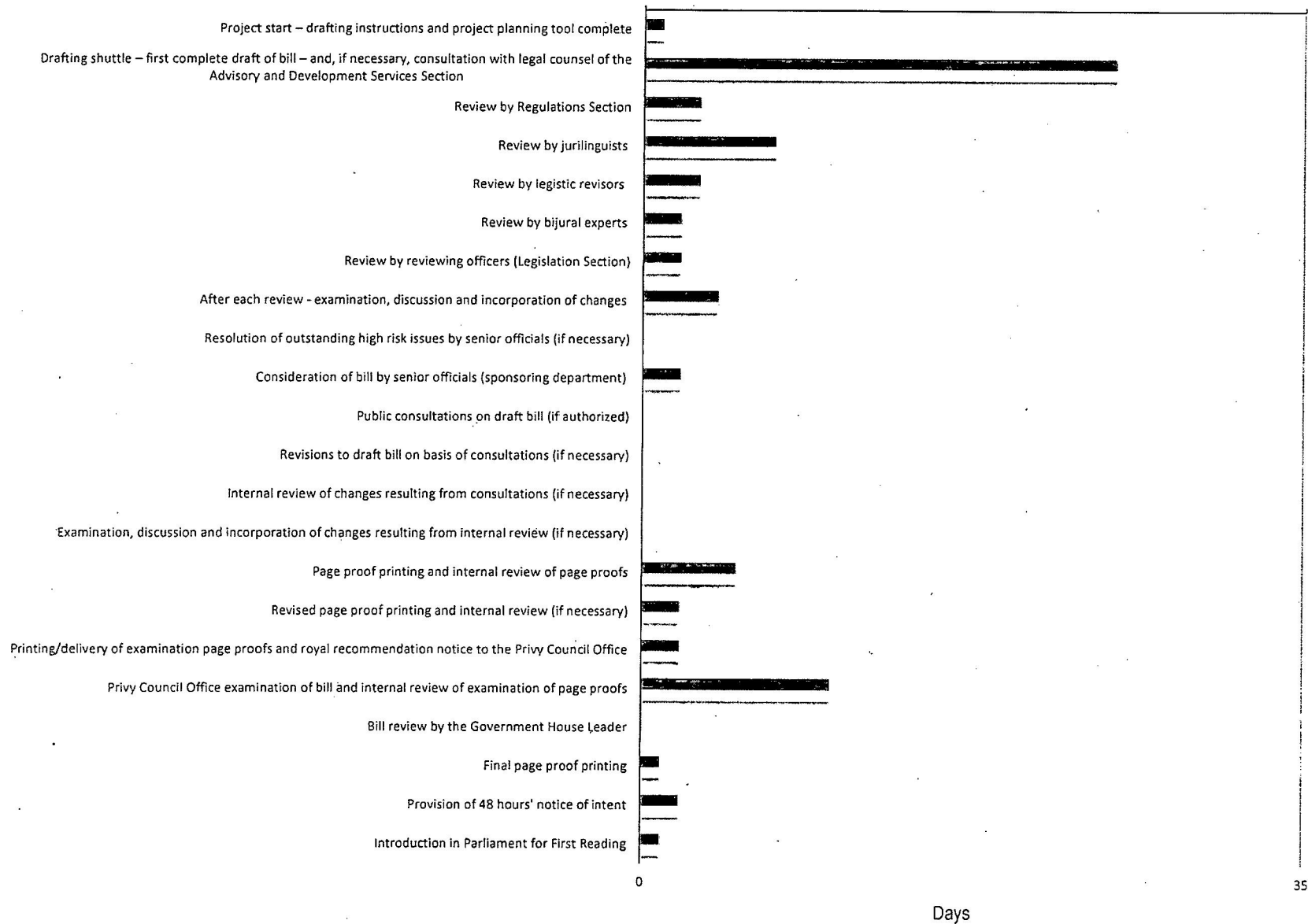
Note: The completion date for each step is calculated by the project planning tool. The tool uses standardized assumptions to determine the average duration of each step, based on the complexity level of the bill (low, medium, high or mega). In some cases, legislative counsel, in consultation with officials of the sponsoring department, may adjust the average duration of a step by adding or subtracting a number of days with the exception of those steps that are governed by external requirements that are not subject to modification by the Department of Justice or the sponsoring department (for example, the provision of 48 hours' notice of intent to introduce a bill).

Title of the bill			Average Duration	Adjustment (+ or -)	Project Schedule	
				+/- days	Adjusted Duration	Start End
STEP 1	Start Date	2015-04-17	STEP 3			
	End Date	2015-08-18				
STEP 2	Complexity Level	Low				
			Project start – drafting instructions and project planning tool complete	1	0	1 2015-04-17 2015-04-20
			Drafting shuttle – first complete draft of bill – and, if necessary, consultation with legal counsel of the Advisory and Development Services Section	25	0	25 2015-04-21 2015-05-26
			Review by Regulations Section	3	0	3 2015-05-27 2015-06-01
			Review by jurilinguists	7	0	7 2015-06-02 2015-06-11
			Review by legistic revisors	3	0	3 2015-06-12 2015-06-17
			Review by bijural experts	2	0	2 2015-06-18 2015-06-22
			Review by reviewing officers (Legislation Section)	2	0	2 2015-06-23 2015-06-25
			After each review - examination, discussion and incorporation of changes	4	0	4 2015-06-26 2015-07-02
			Resolution of outstanding high risk issues by senior officials (if necessary)	0	0	0 2015-07-03 2015-07-03
			Consideration of bill by senior officials (sponsoring department)	2	0	2 2015-07-03 2015-07-07
			Public consultations on draft bill (if authorized)	0	0	0 2015-07-08 2015-07-08
			Revisions to draft bill on basis of consultations (if necessary)	0	0	0 2015-07-08 2015-07-08
			Internal review of changes resulting from consultations (if necessary)	0	0	0 2015-07-08 2015-07-08
			Examination, discussion and incorporation of changes resulting from internal review (if necessary)	0	0	0 2015-07-08 2015-07-08
			Page proof printing and internal review of page proofs	5	0	5 2015-07-08 2015-07-15
			Revised page proof printing and internal review (if necessary)	2	0	2 2015-07-16 2015-07-20
			Printing/delivery of examination page proofs and royal recommendation notice to the Privy Council Office	2	0	2 2015-07-21 2015-07-23
			Privy Council Office examination of bill and internal review of examination of page proofs	10	0	10 2015-07-24 2015-08-07
			Bill review by the Government House Leader	0	0	0 2015-08-10 2015-08-10
			Final page proof printing	1	0	1 2015-08-10 2015-08-11
			Provision of 48 hours' notice of intent	2	0	2 2015-08-12 2015-08-14
			Introduction in Parliament for First Reading	1	0	1 2015-08-17 2015-08-18

CONFIDENCE OF THE QUEEN'S PRIVY COUNCIL when completed
SECRET when completed

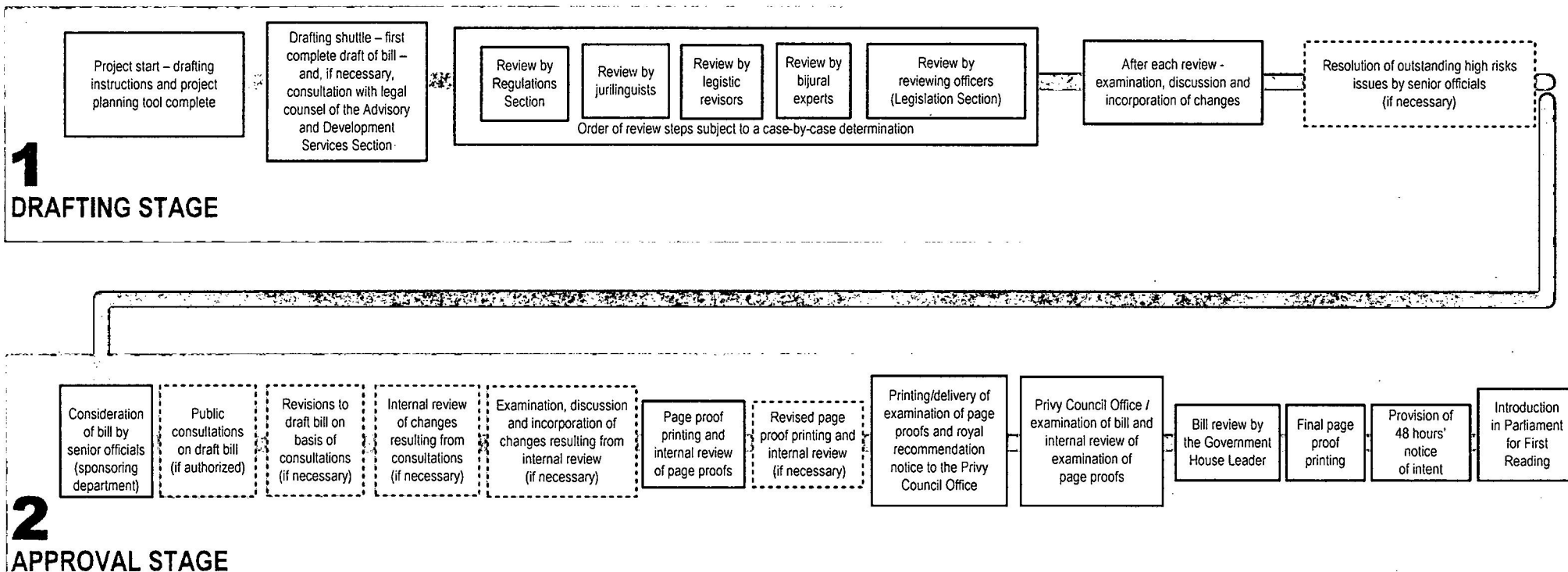
Project Planning Tool for Bills

Tab 3: Bar Graph – Average vs. Adjusted Schedule





DRAFTING PROCESS: **BILLS**



KEY PLAYERS: **ROLES AND RESPONSIBILITIES**

Instructing Officer

The instructing officer is an official from the sponsoring department who is familiar with the subject matter of the proposed bill. Occasionally, because the bill deals with matters that are the responsibility of more than one minister, several departments may be involved. If that is the case, each department may assign an instructing officer to the project.

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Legal Services Unit Counsel

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The LSU counsel ensures that the proposed measures and their implementation are consistent with legal principles and policy and, if necessary, consults legal specialists in the Department of Justice.

Legislative Counsel

Legislative counsel in the LSB draft all government bills (other than fiscal and supply bills); they are responsible for transforming government policy into a legally sound bill that gives effect to the policy. They also provide legal and legislative policy advice to departmental officials with respect to legislative proposals.

Legislative counsel strive to draft legislative texts that are clear and easily understood. As much as possible, they draft using plain language and in conformity with drafting conventions. They also take into account rules and principles applied by the courts when interpreting legislative texts. They also work to ensure the coherence and consistency of federal statutes and regulations in keeping with their role as stewards of the federal legislative corpus.

As part of their work, legislative counsel review government bills in light of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*. They may perform this function in consultation with the Human Rights Law Section and the Constitutional, Administrative and International Law Section of the Department of Justice.

Legislative counsel ensure that the bill respects the limits authorized by Cabinet. They point out any place where the bill deviates from the drafting instructions approved by Cabinet, whether provisions not approved by Cabinet are included or, conversely, whether provisions required by Cabinet were omitted.



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 201X-xxxxxx

Protected B

For Approval

Action by/Deadline: AAAA/MM/DD

MEMORANDUM TO THE DEPUTY MINISTER

Request for Approval to File Application to Dismiss Action for Delay (FOR APPROVAL)



s.23

**Pages 127 to / à 198
are withheld pursuant to section
sont retenues en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2015-013591

Unclassified

For Approval

Action by/Deadline: 2015/11/27

MEMORANDUM TO THE ASSOCIATE DEPUTY MINISTER

Blueprint 2020 Report to the Clerk of the Privy Council (FOR APPROVAL)

SUMMARY

- On October 28, 2015 you approved a recommended approach for the Department of Justice's 2020 report to the Clerk of the Privy Council.
- Input for the report was solicited from employees via the JustMe newsfeed, email to HR, Wellness and Policy leads, an open drafting process on JustMe and through initiatives posted to the Canada's Legal Team Playbook.
- Attached as ANNEX A is comprehensive draft is ready for your review and input.
- An infographic poster is being developed to visually depict Canada's Legal Team and how we are bringing this vision and 2020 to life. A mock-up of the poster is attached as Annex C.
- **DO YOU APPROVE?**

BACKGROUND

In her call to Deputy Ministers, the Clerk of the Privy Council encouraged creative and innovative approaches in the development of departmental reports. Change Management Office and Communications Branch are working together to develop a creative approach.

The Clerk also called for open and collaborative approaches to drafting the report. At Justice we are fortunate to have the Canada's Legal Team Playbook which is an open platform created on SharePoint to support employee engagement around the Canada's Legal Team vision. Since the Playbook was launched in June 2015, employees across the Department have been contributing their innovations. Each Playbook entry is aligned with a specific theme of the Canada's Legal Team vision, which has facilitated story development for the report. In addition to the Playbook, we also used JustMe to solicit input from employees under the #our2020story and #notrehistoire2020 hashtags. Finally, the first draft of the report was posted to JustMe for review by the broader community and continues to evolve with input from across the Department.

KEY CONSIDERATIONS / OPTIONS

The report, attached as Annex A, was written using the Canada's Legal Team vision as the framework. Our objective was to ensure that the Clerk, and everyone else reading the report, understood that Canada's Legal Team vision is the force behind Justice Canada's response to the opportunities of Blueprint 2020. Justice has a terrific story of transformation that is captured in the report through initiatives that support each pillar of the vision. Our Playbook SharePoint site, that was created to support Canada's Legal Team employee engagement, has proved to be an invaluable tool in creating the 2020 report. Since June, Justice employees have been uploading their innovations into the Playbook. As such, the report will also serve us well as we continue our employee engagement initiatives in support of Canada's Legal Team.

We propose that the second pillar of the vision, *Legal and Business Excellence*, be changed to *Legal and Management Excellence*. We think *Management* would be more inclusive of all Justice employees and better reflect the intent of this pillar – excellence in management practices and informed decision-making. It is currently reflected as *Legal and Management Excellence* in the report.

The report has been formatted in such a way to support being read in a linear fashion from beginning to end, or nimbly, allowing the reader to engage in the Justice story at any point. The three pillars (Whole of Justice Approach; Legal and Management Excellence; and, New Ways of Working) were introduced and further defined by the supporting themes within each one. The report comes to life through the inclusion of initiatives, pulled from the Playbook and those provided via JustMe.

Visually, each innovation is presented on a separate 'post-it note' styled graphic to provide a more engaging reader experience. With about 150 initiatives identified in the Playbook, it was not feasible to include every one. Instead, the initiatives that demonstrated a clear alignment with the vision and that were truly innovative were the ones selected for the report. The report also addresses our efforts to advance the three priorities outlined in the Twenty-Second Annual Report to the Prime Minister on the Public Service. These are: reinvigorating recruitment efforts; building a healthy, respectful and supportive work environment; and, reinforcing the policy community as a profession. A checklist is attached as Annex B.

From a creative perspective, the contents of the report and a variety of visual identifiers (logos, images, etc.) are currently with a design firm for the creation of a poster. While the firm was engaged several weeks ago, it was not advantageous to begin the design process without a comprehensive draft of the report. The poster, like the report, will become an excellent tool for employee engagement and pride of ownership regarding Canada's Legal Team. A mock-up of the poster is attached as Annex C.

Both the report and the poster will be posted to GCpedia once finalized and translated.

CCM#: 2015-013591

RESOURCE IMPLICATIONS

Communications Branch has engaged an external creative firm to develop an innovative concept for the poster. Cost for this service will be absorbed by the Communications Branch.

COMMUNICATION IMPLICATIONS

Employees have been encouraged to participate in the open drafting of the report via JustMe. A message from the Blueprint 2020 Champions will be distributed to all employees once the report and the infographic poster are posted to GCpedia on December 1. At the same time

RECOMMENDATION

It is recommended that you review the comprehensive report draft and the poster and provide your input. It is recommended that you indicate your concurrence by signing the approval block in the summary box.

The Change Management Office has resources available to respond to any questions you have during your review process.

NEXT STEPS

Once your input has been provided, we will finalize the report in both official languages and prepare it for signature on Tuesday, December 1 for submission to the Clerk of the Privy Council.

The final English and French reports and posters will be posted to GCpedia on Tuesday, December 1.

Attachments

Annex A – Draft Blueprint 2020 Report
Annex B – Blueprint 2020 Report Checklist
Annex C – Poster Mock-up

Prepared by:

Anna Belanger, Change Agent, Change Management Office, (613-614-4398)
Date: November 23, 2015

CCM#: 2015-013591

- 4 -

Unclassified

Reviewed by:

Chelsea Clogg, Counsel, Change Management Office, (613-617-2933)

Date: November 27, 2105

Approved by:

m.s.
France Pégeot, ADM, Change Management Office, (613-952-3816)

Date: November 27, 2015

CCM#: 2015-013591

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Innovation. Partnership. Excellence.

Justice Canada knows exactly what it needs to be and where it needs to go as Canada's Legal Team. What Blueprint 2020 started in the summer of 2013 across the Public Service (PS) is creating at Justice a culture of innovation and learning. The Justice community shares information and ideas openly and collaboratively; it strives for excellence in its legal and management practices; and it adopts new tools and technologies to work more efficiently. Canada needs us to be excellent. Our continued excellence ensures an effective justice system that enables Canada to be successful. We are building the Department's innovation muscle to be ready for 2020.

Blueprint 2020 defines for us a shared vision of a future Public Service that is agile, efficient and networked and that mobilizes the diversity of its talent to effectively serve Canada and Canadians. Stemming from that is Canada's Legal Team, a vision for Justice Canada that drives our commitment to excellence with our client departments and with Canadians. This is particularly important to Justice at this time for several reasons. The legal industry is undergoing a major transformation. Once powerful law firms have closed their doors. Personal wills are available at your local department store. And, artificial intelligence is easily accessible. In short, new technology has succeeded in dramatically reducing the rate at which we adopt new ways of working. The world around us is changing, and Justice cannot stand still. Our vision goes beyond 2020. Our vision is about continuous improvement and responsiveness.

This report is structured to allow our innovations to tell the story of how Justice is adapting to a rapidly changing world – from implementing new workspaces for increased employee openness, transparency and collaboration to leveraging social media tools that address feedback from Canadians in real-time, to adopting e-litigation practices that increase efficiencies for our client departments. Innovations are drawn from *Canada's Legal Team Playbook*, which is an innovation in its own right that is contributing to an open, transparent and sharing culture in the Department. As part of a broader employee engagement strategy to encourage group discussions around the Canada's Legal Team vision, employees are encouraged to add their innovations to the *Playbook*, which was developed on a SharePoint site that is accessible to all Justice employees. The *Playbook* was launched in June 2015, and to date there are over 150 innovations identified. The innovations, which are uploaded by employees at all levels, are aligned with the pillars of the Canada's Legal Team vision and represent transformation and innovation in all branches, portfolios and regions.

#WeAreCollaborative

The accompanying poster (link this and/or 'see attached') provides our client departments with a visual representation of how Justice employees are breathing life into the Canada's Legal Team vision in a meaningful way and how that vision is advancing the objectives of Blueprint 2020. The poster will also be used internally at Justice to build pride of ownership and recognition that our culture of innovation is something to be nurtured and supported at all levels so that it can continue to flourish.

A Whole of Justice Approach

When we speak about taking a whole of Justice approach to our work, we mean working closely with our client departments as partners to define excellence and, together, to identify priorities, manage demand and improve efficiency in the way we deliver legal services. To be effective, all Justice employees work openly and collaboratively, and in the spirit of Blueprint 2020, we speak with one voice and operate as a single legal team for the Government of Canada. Canada's Legal Team.

A whole of Justice approach ensures consistency in the way we deliver legal advice and services to client departments, programs to Canadians, and services within the Department.



Working with Clients as Partners

Creating partnerships with our clients and making decisions together.

Working as one team.
Serving one client.

Taking a team approach in the delivery of legal services.

661 conduct legal research on the latest trends in Aboriginal law and provide legal technical support to counsel and client departments in treaty negotiations and specific claims matters.



Canada

Leveraging Expertise

Tapping into experts across Justice and across the Public Service.

Whole of Justice Approach: Working As One Team. Serving One Client.

Digital Workspace

The Digital Workspace provides employees with a set of online collaboration tools to help them easily create, store, share and manage information in an open environment within the Department's network. Personal sites were introduced in April 2015 as phase one, called JustMe. This space enables employees to create their own profiles including skills, expertise, committee and working group affiliations, special interests and photos. Employees have taken advantage of the open environment to share their work and connect with colleagues in creative ways. JustMe also allows for open content creation which has proven to be a great way to increase collaboration and reduce email. Employees follow colleagues' documents, hashtags, blogs and profiles to stay connected to conversations and initiatives. JustMe is being leveraged as a tool to seek input for initiatives, share best practices, promote local learning events and celebrate the accomplishments of employees and colleagues. It is instant and crosses regional and hierarchical boundaries. Hashtags are used to track activities and events. Phase 2 began in November 2015 and includes team collaboration sites to enable collective access to documents, calendars and team discussions in an easily accessible location reducing reliance on email and, improving record keeping and information sharing across the organization.



Digital Workspace

Paralegal Network

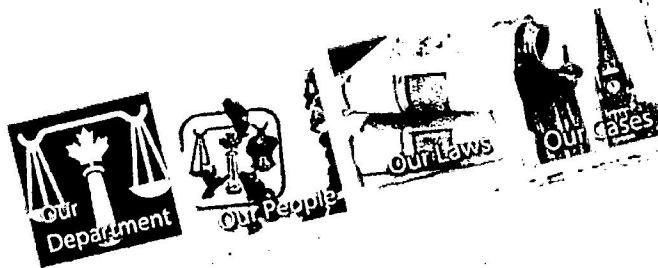
Paralegals are taking on an enhanced role within Canada's Legal Team, and the Paralegal Network is an innovative way to connect paralegals across the Department and in legal services units. Hosted on GCconnex, paralegals are encouraged to contribute and comment on blog posts and to participate in group discussions or private messaging, all of which allow for an exchange of ideas, information and resources, including best practices, lessons learned and training topics. The Network means a better understanding of what colleagues are doing in different regions and departments.

Justice@150 History Project

To mark the 150th anniversary of Confederation in 2017 and the Department of Justice's 150th anniversary in 2018, the Communications Branch has launched the History Project, a living history of our Department to share with each other, Canadians and future generations. A historical timeline of key moments for the Department continues to expand online, based on direct employee input. The Digital Workspace is also being used to share information and encourage conversations and exchanges between employees. Timeline contributions come in the form of photos, audio and video interviews and digitized versions of key reference material. This initiative captures the history of the Department while engaging employees, building a community and instilling pride in our shared past.

Public Safety Defence and Immigration (PSDI) Portfolio Multi-Client File Protocol

A growing number of legal advisory files can involve several client departments or agencies. To strengthen the Department's ability to act as a cohesive team delivering consistent advice to all of its client partners, PSDI has established a multi-client protocol that is now available for national use. The traditional approach of the Department had been for each Departmental Legal Services Unit to advise its own clients, resulting in the potential for having multiple lawyers dedicated to a file and duplication of work in situations involving several client departments. This Protocol aims to streamline resources by assigning one lead counsel with responsibility to provide advisory services in files involving multiple clients. The lead counsel ensures that legal work is coordinated, and reflects the interests of all clients, and consults supporting counsel to ensure that Justice speaks as one legal team.



Whole of Justice Approach: Working With Clients as Partners

Dedicated client SharePoint site for Aboriginal Affairs and Northern Development (AANDC)

AANDC (Treaties and Aboriginal Government, Negotiations West) Legal Services has created a dedicated SharePoint site to provide information, legal advice and other precedential material on matters of importance to the AANDC client. One example is the collection of annotated chapters for a Final Agreement (treaty) negotiated in BC. This project provides invaluable information for both Justice counsel and AANDC representatives on the latest, approved language for negotiating the various chapters that comprise a Final Agreement.

Working Group on Legal Project Management

As part of the Department's transformation and modernization efforts, this Working Group developed recommendations for a national standardized approach to support legal professionals in implementing the principles of legal project management to provide legal services in a more efficient and cost-effective way. In addition, the Working Group developed a high-level implementation plan to provide the Department's legal teams the requisite training and tools and ongoing support on the use of legal project management. A legal project management approach will help Justice employees and client departments develop a shared understanding of the risks and opportunities associated with a legal file.

Strategic Legal Issues Management (SLIM) Committee

SLIM provides a forum at the Deputy Minister level for strategic discussions with and recommendations to our client departments about major legal issues with a view to: controlling legal costs, maximizing the effective utilization of available legal resources, containing demand for legal services, and, tailoring legal services to the level of risk. SLIM was created in November 2014 and was introduced in our last 2020 report. Since then SLIM members have been committed to partnering with Justice in discussions regarding the most effective way to deliver legal services.



Whole of Justice Approach: Leveraging Expertise



to explain the reasoning
and the legal principles
supporting government
decisions to the courts.



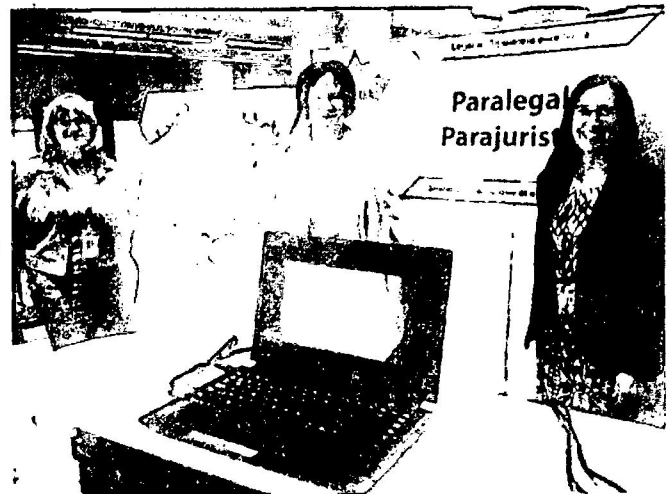
Canada

Centre for Information and Privacy Law

The Centre for Information and Privacy Law ensures that the positions of the Department of Justice concerning the interpretation of the Access to Information Act and the Privacy Act are established in a coordinated and coherent manner that complies with the intent and the letter of these two Acts. The Centre also ensures that advisory and litigation services are provided to Justice client departments in the area of access to information and privacy law in a consistent and efficient manner that minimizes duplication and streamlines processes.

Paralegal Service Centre

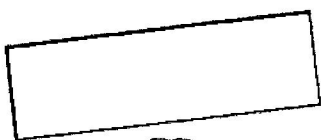
The Paralegal Service Centre is a flexible pool of paralegals that will offer paralegal services to both Justice offices and Departmental Legal Services Units located in the National Capital Region. It enhances the Department's ability to provide legal services in the most cost effective way possible by drawing on the expertise of these professionals. Justice counsel from these offices can request paralegal assistance when they experience an increase in work load or urgent deadlines that their current resources cannot accommodate. As well, offices that do not currently have access to paralegals can request paralegal assistance.



Paralegal
Parajuris

Dispute Resolution Services at Employment and Social Development Canada (ESDC)

The role of this centre of expertise at ESDC Legal Services is to facilitate the understanding of the different perceptions at play in a dispute and to empower the parties to find strategic and creative solutions that are adapted to their respective needs and interests. Dispute Resolution experts offer accessible, appropriate and strategic alternatives to how disputes can be prevented and/or resolved. This includes strategic advice; negotiation and facilitation services; client coaching in dispute prevention and resolution management; liaison support; system design services; and tools and training.



Whether we are providing internal services, making policy, delivering programs or providing legal services, all of our work is related to the law. And we can only meet our usual standard of excellence if we work together as a team. I am proud of the important role we play in ensuring that Canada is a free and democratic society governed by the rule of law.



Canada

Consideration of Risks,
Benefits and Costs
Aligning our collective
resources to better
manage risks – legal
and otherwise.

Making Informed Decisions
Thinking more strategically
and becoming more
business-oriented in our
decision-making.

Innovating Service
Delivery
Continuing to invest in
departmental systems
and data improvements
for strong foundations.

Legal and Management Excellence

We aim for excellence in everything we do. Our client departments, Canada, and Canadians deserve nothing less. We continue to invest in modernizing departmental systems and improving data to build strong foundations for business analytics to inform decision-making. We use analytics to gain deeper insight into our legal service costs, drivers, productivity levers and timekeeping to help us establish benchmarks, realistic performance indicators and dashboards and reports.

As Canada's Legal Team, we are thinking more strategically about the services and programs we provide and are becoming more evidence-based in our decision-making. Our continued efforts to entrench excellence into the management culture of the Department enables more effective service and program delivery that provides value for money while taking into account risks, priorities and costs.

Legal and Management Excellence: Innovating Service Delivery

Legal Trends Database at Transport Canada Legal Services

Transport Canada Legal Services has created a legal database that enables the identification of trends, legal risk and complexity in the provision of legal services. The database also includes information regarding the way legal services are deployed and enhances the ability to ensure legal resources match client priorities.

Northern Justice Working Group

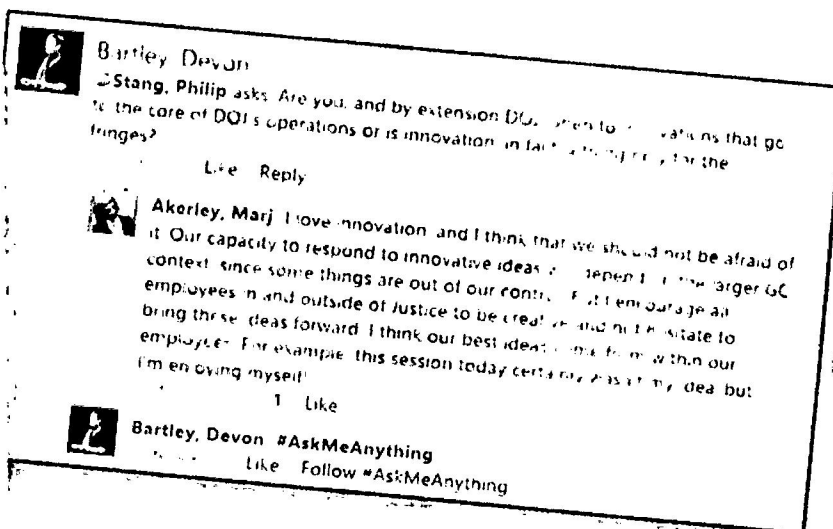
The Northern Justice Working Group has been streamlined and bolstered by updating priorities and revising the meeting format. The priorities entail inviting guest speakers to present on northern justice issues, reaching out to Access to Justice groups across the North, and contributing to internal policy development with a northern focus. This improves collaboration and connections within Justice, with other government departments and with outside organisations working in the unique and challenging northern environment.

Virtual Research and Information Services

The Information Services team now provides a fully integrated national service, having merged the Department's libraries with information policy and records operations into a single organizational structure. Employees have better access to information resources from any location with a focus on digital content, and with the support of a national team of information professionals who can be contacted through a virtual research service where they can track their research requests with real-time updates. In June 2015, the Research Service was given an Honourable Mention for Excellence in Information Management at the IM/IT Community Recognition Awards.

#AskMeAnything

The Digital Workspace has introduced of a novel way to interact with program and project leaders. Employees pose questions during #AskMeAnything events – even tough questions – and receive immediate answers. Being open, the Digital Workspace enables all employees – even those not asking questions – to learn from the responses. Three #AskMeAnything events have taken place since August 2015 hosted by the Chief Information Officer, the Deputy Chief Information Officer and the Director of Enterprise Applications. Close to 100 questions were asked over the three events with hundreds of employees benefiting from the responses.



Legal and Management Excellence: Making Informed Decisions

Business Analytics

Justice is using Business Analytics (BA) to drive the change agenda in the Department. What is unique about our approach is that space has been created to test the viability of the BA concept. A small team of experts has been created, and a small investment made to build the IT platform to produce analytics for informed management decisions. The return on investment has been considerable so far. Within 18 months, a wealth of analytical products were produced and considered by senior managers. Justice has integrated all corporate data onto a single platform, and is deploying a system that will provide managers with single portal access to corporate data, reports and dashboards. A process was established to enhance the



Department's capacity to develop new insights and understanding of our legal and business practice making analytics and data strategic assets for Justice. We are excited about the potential BA has to be a game changer on how we manage our operations by supporting agility, transparency and a culture of continuous improvements. Further benefits can arise as we consider the integration of predictive analytics and big data.

Justice Canada Management Dashboard

The Dashboard is a practical web-based tool that provides managers with easy access to key legal case management information right from their desktop. The Dashboard provides historical data on legal file inventories (e.g., number of files, age of inventory, file type, risk, litigation outcome) and level of effort (e.g., number of hours, classification of employees). The information presented in the Dashboard helps managers identify and assess trends; plan, monitor and report on key business activities; manage resources; and continuously improve their operations by highlighting areas that may warrant further attention. Through an improved understanding of case management data, managers will be better equipped to engage in joint planning discussions with client organizations and to support the identification of options for controlling legal services costs.

Inventory and Trends Analysis – Aboriginal Affairs Portfolio (AAP)

Aboriginal law and litigation continue to be a major influence for Aboriginal rights as well as economic issues involving management of Canada's natural resources. The Aboriginal litigation inventory, with over 1000 cases, is complex and includes historic claims dealing with Aboriginal and treaty rights, as well as other challenges within the context of the duty to consult and fundamental equality issues involving government attempts to improve the economic standing of Aboriginal people in Canada. The AAP is creating an inventory database that will identify the major issues and future trends emerging under identified AAP litigation priorities. The inventory will help us make informed decisions by examining recent developments in Aboriginal law that could result in future litigation pressures.

Legal and Management Excellence: Considering Risks, Benefits and Costs

Settlement Deskbook – Approvals and Authorities (AAP)

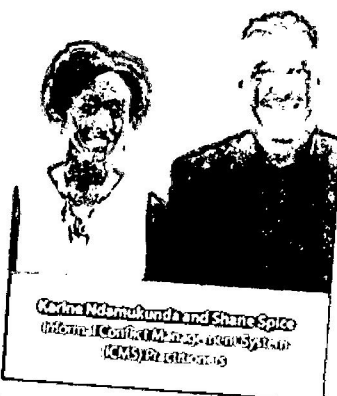
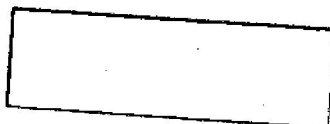
In collaboration with the client department, AAP has developed a Settlement Deskbook that contains practice directives, best practices and tools for facilitating and streamlining the settlement process. Specific products include: (a) best practices for settlement opportunities, including for the early identification of settlement; (b) best practices for legal risk assessments; (c) annotated templates for legal risk assessments and settlement agreements; (d) a protocol for preparing simplified risk assessments; and (e) an Equitable Compensation Framework, which outlines a standard national approach for the assessment of equitable compensation within the settlement context.

Benchmarking in Tax Law Portfolio

As part of its modernization efforts, the Department has prioritized benchmarking for litigation and advisory work to improve performance and output. Benchmarks help managers and lawyers monitor files by comparing effort spent on their files to a national baseline. A key objective of benchmarking is to achieve reductions in effort resulting in efficiencies thereby reducing cost. The Tax Law portfolio is leading the way with the development of 19 benchmarks for litigation, advisory work and bankruptcy litigation.

Professional Responsibility Service (PRS)

PRS is the central point of access, guidance and support for the Justice legal community on professional responsibility and legal ethics issues, as they relate to meeting the requirements of applicable professional codes of conduct and standards associated with the practice of law in the Department. The mandate of PRS is to foster and uphold the highest standards of professional responsibility and ethics among our paralegals, notaries, lawyers, and managers, through the provision of services, expertise, awareness, training and guidance, on all matters related to professional responsibility and legal ethics.



As Informal Conflict Management System Practitioners, we offer confidential, voluntary, neutral and impartial services such as coaching, facilitated discussions, training, group facilitation to support all employees as they manage and resolve difficult situations at work. We believe in improving the workplace, one conversation at a time!



Canada

New Ways of Working

Throughout the Destination 2020 Report there are calls for increased use of smart technology, innovative people management and the creation of a culture that is open, collaborative and inclusive at all levels. We couldn't agree more. Canada's Legal Team vision is the basis of a Department-wide employee engagement strategy designed to establish a common understanding of the vision, what it means for the future of Justice and how employees and managers across the Department can live and breathe the vision in their day-to-day work. *New ways of working* is the pillar where we clearly see the intersection of technology, people and culture.

We continue our work to modernize our tools and processes by aligning investments in technology with the business needs of the Department. We treat the information we create as a corporate asset and ensure it is easy to share, find and use. We mobilize the diversity of our people by aligning their skills and experience with key strategic directions, and we encourage employees to build and exercise their innovation muscles to enable the creation of a culture of innovation at Justice.

Leveraging technology
Modernizing tools and
processes to allow for
efficient delivery of legal
service.

Developing Leaders and
Mobilizing Talent

Mobilizing our diversity
of talent to better serve
the country's evolving
needs.

Enabling a Culture of
Innovation

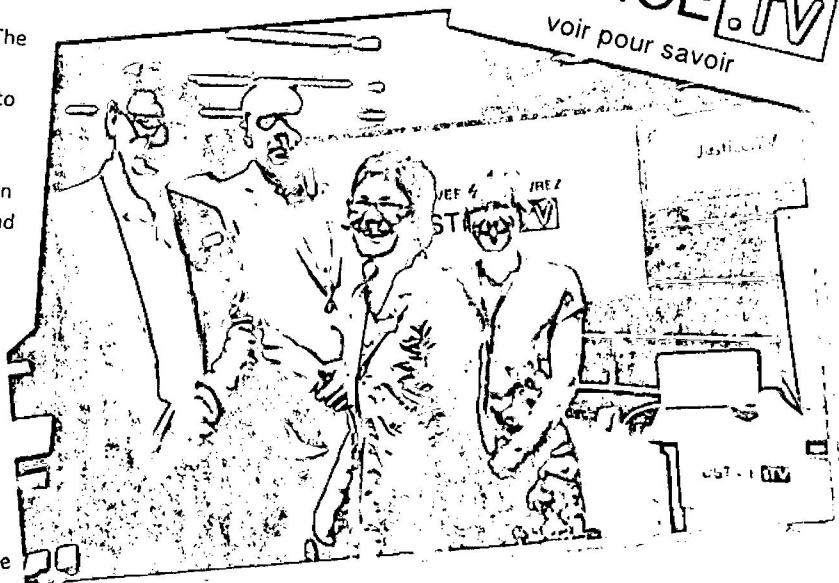
Supporting innovation
at all levels.

New Ways of Working: Leveraging Technology

Justice.TV

Justice.TV is led by a dynamic production group of legal counsel with technical filming expertise as well as legal, training and communication skills. The team is dedicated to developing and delivering quality multimedia materials designed to appeal to a series of target groups, including the Department's legal and non-legal employees, and potentially its client departments and the Canadian public. Justice.TV is focused on legal knowledge and information sharing video products and has produced three pilot legal training videos. The team's latest product is a 2-hour legal risk management training video due for release in January 2016.

a vision for knowledge
JUSTICE.TV
voir pour savoir



Encryption of Draft and Bluestamped Regulations (Health Canada Regulations Section)

Customized software has been programmed to enable the production of a tamper-resistant .pdf document that will serve as the electronic bluestamp. This step shows that the draft regulations have been drafted and examined in accordance with the Statutory Instruments Act and can be submitted to the Treasury Board Ministers for approval, registration and publication in the Canada Gazette. This process improvement will save valuable time in transmitting draft regulations while maintaining the integrity and security of these Protected B documents.

Federal, Provincial, Territorial Working Group on e-Discovery and Litigation Readiness

Co-chaired by Justice Canada and Alberta Justice, this working group encourages the sharing of information and strategies to reduce costs while promoting the reduction in the volume of electronic records for civil litigation, and the sharing of best practices to help participating governments meet these challenges.

Work from Anywhere

Justice has worked hard in the last year to make its workforce more mobile and agile by replacing 70% of employee computers with laptops and introduce Justice wifi hotspots across the Department. A pool of laptops with access to public wifi can also be borrowed by visiting or traveling employees, giving them the mobility to work anywhere.

Departmental Departure Application

A new online employee departure system has been created and includes an automated workflow to simplify the process. Managers now have a digital record of employee departure forms with electronic approvals.

Social Media Conversation Hub

The Social Media Conversation Hub features a dashboard tool called Cyfe on a large screen, projecting a real-time display of Justice's social media channel feeds as well as daily statistics on who is using Justice channels. The real-time nature of the tool allows the Communications Branch to monitor and respond quickly to interaction from the public on our social media channels. Future phases of the project will include integration of media relations and internal communications components. With its strategic location near a high-traffic area, the 'hub' has also attracted the attention of employees from outside Communications Branch and has helped generate awareness and excitement about how Justice is interacting with Canadians through social media.

You Tube



Social Media Harvesting

Litigation Support Services has specialized software to capture information publicly available on social media platforms such as Facebook, Youtube, Twitter and LinkedIn for litigation purposes. Social media sites may contain information that is relevant to a litigation file and should be considered as another source of potentially relevant materials (paper documents, email, etc.). There may be publicly available information about litigants, witnesses or experts that appear on social media sites that can assist in cross-examination, particularly about their activities or statements that are posted on social media sites prior to trial, and during the course of the trial.



I work with litigation teams using technology to strategically manage evidence collections. From evidence identification to presentation, our team's legal and technical specialists work with counsel, paralegals and client departments to identify and implement the best tools, processes and software for your cases.



Canada

TeamMate Program – Internal Audit Service (IAS)

IAS is leveraging technology by maximizing the functionality of TeamMate, the government-approved audit software, to render the audit process effective, reduce audit cycle time and gain efficiencies. IAS will be one of the few internal audit offices in the government to use all the modules of TeamMate by March 31, 2016.

Using New Technologies at Agriculture and Food Inspection Legal Services

The Agriculture and Food Inspection Legal Services do not work as a typical legal service unit due to the physical disconnect of the employees. They use technology such as videoconferencing and FaceTime to stay connected with each other. Their work necessitates thinking outside the box and embracing technology. They also show innovation in using Lotus and Access to assist them in their day to day work.

New Ways of Working: Developing Leaders and Mobilizing Talent

Executive Leadership Development Program

This Program, intended for managers at the LC-01/EX-01 and LC-02/EX-02 levels is the first ever leadership program at Justice. It was launched in January 2014 as part of the Department's ongoing commitment to support its executives in strengthening their leadership skills and enabling them to thrive in the current context and for new and future responsibilities. It was designed with experts from the Telfer School of Management and is based on leading practices in executive education across private, public and non-profit sectors. The program highlights leading-edge thinking about leadership in complex organizations and fosters a collaborative learning atmosphere using a variety of learning methods including case studies, simulations, lectures, group work and class discussion. By Spring 2016, 203 executives will have gone through the program. Graduates are invited to participate in Executive Peer Coaching Circles as a way to support and mentor each other in their ongoing leadership development.

Succession Planning

In consultation with the Talent Management Advisory Group, succession planning tools have been developed to operationalize the first four steps of our succession planning framework, specifically: identify key / critical positions; identify essential position requirements (including competencies); identify potential successors / feeder groups; and, develop and implement succession and knowledge transfer plans.

Leadership in Action

This is a new learning program and required training for all EX-03 and LC-03 (Director General level) employees across the Department to support continuous development at the individual and collective levels. In the week-long program, participants reflect on their own leadership style recognizing their areas of strength and identifying opportunities for growth as it applies to the culture required to support excellence and innovation at Justice. The goal is for participants to have greater impact as leaders at the Departmental and Public Service levels. By early December, all 39 EX-03 and LC-03 employees will have received the training. This is the most significant leadership training program Justice has undertaken.



“I'm a manager and after 30 years with the Department, I'm as passionate as ever about what I do! I work with extraordinary people who care a great deal about their work.”



Canada

New Ways of Working

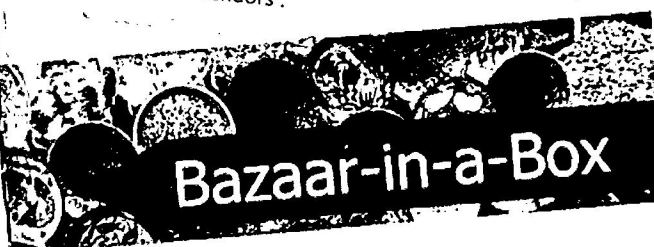
Creating a Culture of Innovation

Bazaar-in-a-Box

The Bazaar-in-a-Box was created based on the experiences and lessons learned from the Legal Services Bazaar (right) and the Policy Bazaar (held in June 2014), both Justice-led initiatives. It is posted on GCpedia so that it is accessible to all public servants who wish to host their own bazaar events. It provides event planners with tools, templates, lessons-learned and recommendations for running a successful bazaar. One of the goals of Destination 2020 vision is to foster a Public Service that uses open and networked approaches to develop innovative, effective solutions to complex problems and emerging issues. Events like a bazaar play an important role in advancing this culture of innovation.

Legal Services Bazaar

Held on June 4, 2015, the Legal Services Bazaar was a collaborative, open event that encouraged the exchange of ideas and blue-sky thinking. Over 300 participants from Justice and across the Public Service participated in leading-edge demonstrations and interactive discussions with 12 'vendors'. Some key attractions included: ROSS cognitive computing for legal research; Canadian Bar Association Legal Futures Initiatives; Justipedia, a central legal knowledge repository covering 39 areas of legal practice; and Paralegals, who are enhancing the Department's ability to provide cost-effective legal services. The Bazaar was also attended by Deputy Ministers from client departments, who exchanged ideas and knowledge with various 'vendors'.



Innovation Council

The Innovation Council is a group of 12 creative and engaged individuals, whose mandate is to create and support an environment where innovation is fostered and celebrated at Justice. The Council reports directly to the Deputy Minister and provides regular updates to the Department's Executive Committee. Innovation Council members have committed to facilitating the implementation of two initiatives in support of Canada's Legal Team by the end of March 2016. Council meetings are open for any Justice employee to attend.



Business and Regulatory Law Portfolio Training Day

At the 2015 Annual Business and Regulatory Law Portfolio (BRLP) Training Day, fifteen Legal Services Units (LSU) shared some of their innovative ideas during the first BRLP Innovation Challenge. The BRLP Innovation Fair also showcased recent initiatives from within BRLP, Justice and the Government of Canada. A challenge on leadership best practices will also be held at the next annual meeting of the BRLP Managers, where each BRLP LSU and Justice Regional Office will have the opportunity to highlight an example of their management team's best leadership skills. The objective of this activity is to share an effective leadership best practice that could be adopted by other managers in Justice in leading their own teams.

Communications Branch 2-Hour Challenge

The purpose of this challenge was to unleash creativity and inspire "everyday innovation" in the Branch. Participants were given two hours every week for four weeks to engage in a Justice Canada related initiative on: whatever they want; with whomever they want; however they want; and wherever they want. The result? Nine projects from TED Talks-style learning sessions to increasing opportunities to employ people with developmental challenges in the public service, were proposed. All proposed projects have continued to be employee-led initiatives that are being further developed for potential implementation.

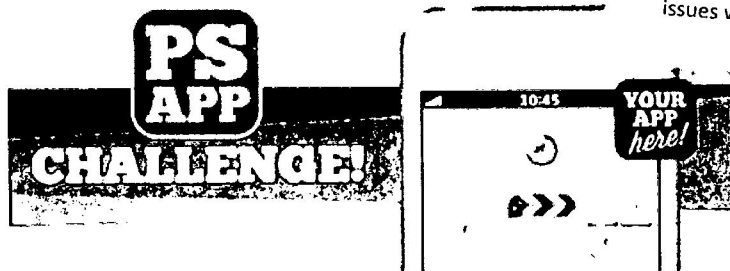
Indigenous Policy and Program Innovation (IPPI) Hub

The IPPI Hub is a pilot project in the Policy Sector exploring how innovative policy techniques, such as design thinking, can be applied to help reduce the over-representation of Indigenous people in the criminal justice system. As innovation labs/hubs carefully examine and consider the context, experience and circumstance to be influenced and then explore and experiment with new solutions in an iterative manner, they serve to tighten the linkages between policy objectives, program design and service delivery, while also providing a safe space for the policy community to use innovative tools and approaches while ensuring that analysis is rigorous and based on robust evidence. In this way, the IPPI Hub aligns closely with the need to create strong linkages between policy objectives and program/service delivery.



Mobile access to legal information

As part of the first ever government-wide Public Service App Challenge, several promising app ideas were submitted by members of Justice Canada's policy and our NextGen communities. The "Ask Justice", "MyATIP" and "CanConsultor" apps all received strong support from the GCconnex community, but were unfortunately not selected for further development. However, one idea from Justice's NextGen Network – "Contact Canada" – was combined with similar App Challenge submissions to form a new app titled "O Canada", which was presented to the Deputy Minister Committee on Policy Innovation at the final stage of the Challenge. The NextGen Network is also pursuing options for yet another app that would send push notifications to subscribers each time an act or court proceeding is updated, allowing individuals access to the most current information available. The application would support the Department's stewardship role in ensuring an accessible Canadian justice system by making it easier for individuals to stay informed on the legal issues which matter to them.





Staffing Process Review, Quebec Regional Office (QRO)

The QRO recently undertook a project to examine the current staffing process in order to identify improvements, address cultural issues related to staffing and, foster best practices. The objectives of this review are to increase awareness of the roles and responsibilities assigned to selection committees and employees as candidates; and, to provide training on the assessment tools that may be used throughout the staffing process and on the management of newly appointed staff during the probationary period.

The Working Mind: Mental Health and Wellness

This initiative supports managers and employees in caring for their own mental health and well-being, while encouraging us all to seek help when needed and to

recognize when a colleague is in need of support. A full-day course is mandatory for managers at the EX minus 01 and above levels. A half-day classroom session is also recommended for non-management employees. The courses are accredited with the Law Society of Upper Canada and Barreau du Québec. This learning program is designed to address and promote mental health in our workplace and demonstrates the Department's commitment the mental health and well-being of its managers and employees.

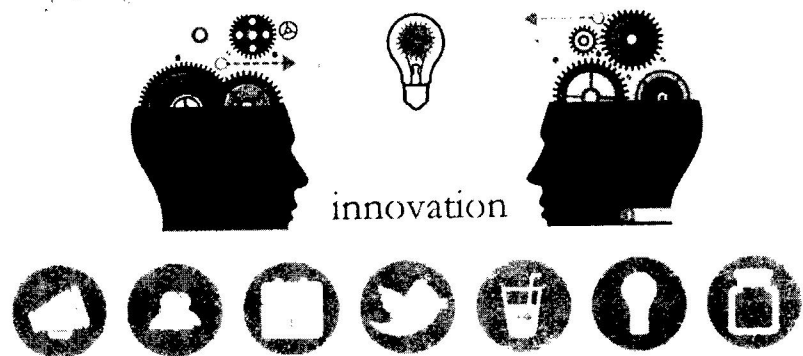
Speed Mentoring

The Advisory Committee on Women at Justice in collaboration with the Justice National Mentoring Program hosted a successful speed mentoring event. Built around the theme of "Building Self-Confidence in Personal Leadership", participants were able to engage in a series of short, focused conversations with Justice leaders. It was a fun, fast-paced event where mentees cycled in pairs through 5-6 minute conversations with mentors to discussion important topics of leadership and self-confidence.

Building up the policy community at Justice

The multidisciplinary policy community at Justice is comprised of individuals from several different professions, many with formal qualifications, or who have completed specialized training and continue to pursue professional development. This policy community contributes to the development and maintenance of a *fair, relevant, and accessible Canadian justice system* for all Canadians. We do this through various

Police Sector Communications Hub

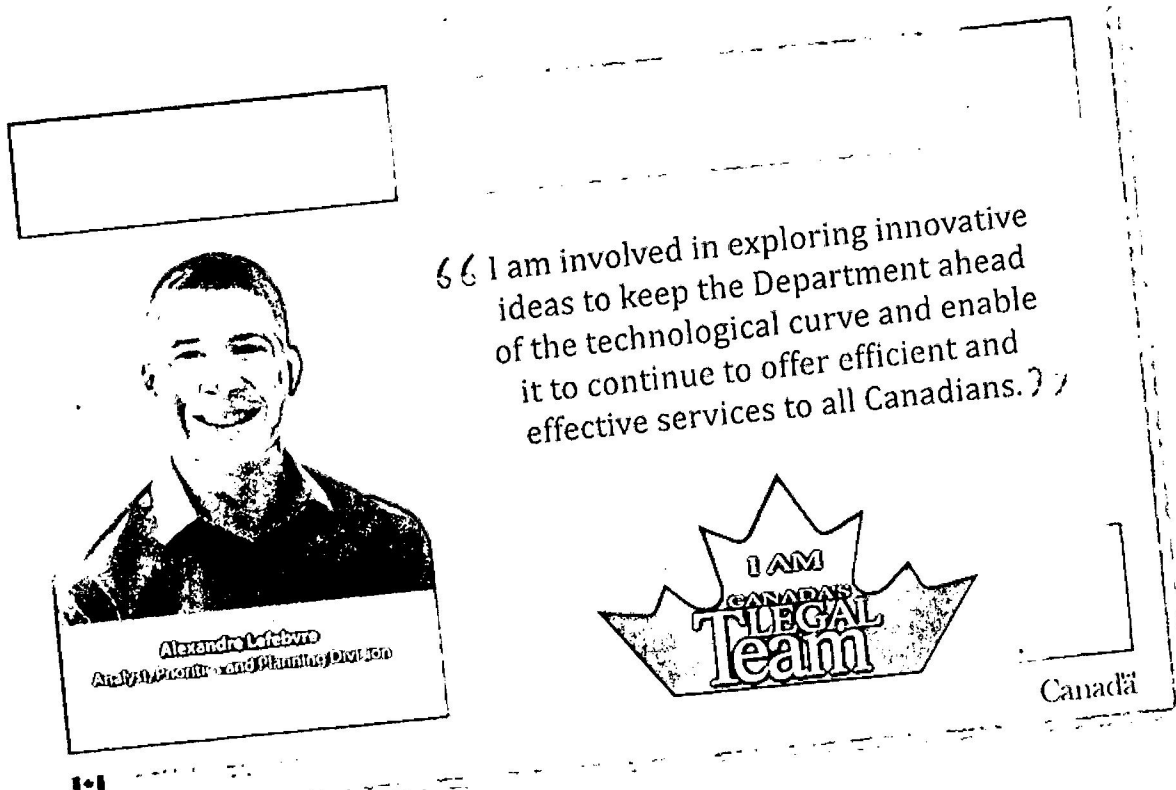


activities related to law reform, policy analysis and development, program delivery, and through ongoing research and evaluation. From the development of criminal legislation to the design and delivery of programs and services that support Canadians in achieving access to justice to the creation of innovative public legal education and information materials, Justice Canada's policy community is committed to providing high-quality policy advice and serving Canadians with excellence.

Improved information sharing and communication

In 2014, Justice launched an electronic communications hub enabling policy makers to be better connected in the community and to support information sharing, engagement and sector-wide collaboration. The welcome page of the Communications Hub provides quick and easy access to various pages that feature important themes, such as Public Sector Values and Ethics, Leadership Development, Knowledge Management and Innovation, which are accompanied by a variety of tools (e.g., Social Media portal, Discussion Board and Suggestion Box). On the Policy Innovation page, officials can find reports and presentations on how governments across the globe are using new policy techniques such as big data and crowdsourcing to develop better public services. There's also a toolkit that provides links to resources that have been developed by leading innovation organizations (e.g., Nesta and IDEO) to assist officials in applying new techniques in their work.

The Communications Hub also includes links to GC 2.0 Tools (e.g., GCPedia) where Justice Canada's policy community as well as officials from across the federal public service can easily access information on key policy issues such as Gender-Based Analysis and Access to Justice.



Crowdsourcing and Open Drafting

Departments were encouraged to seek input on this report via crowdsourcing and open drafting. Justice has done both. In fact, since the *Canada's Legal Team Playbook* has been in place, Justice employees have been crowdsourcing and openly contributing initiatives in support of the vision since June 2015.

An additional initiative we undertook to collect data for this report was to request input through our JustMe SharePoint workspace. We received the following posts on JustMe.

A pilot project for telework in the Quebec Regional Office allows support staff in the QRO to work from home. The pilot has shown a number of advantages, including higher rates of productivity and efficiency since staff can focus more on their task due to fewer interruptions. It also allows for a better balance of work and family life. (Source: IRBY)

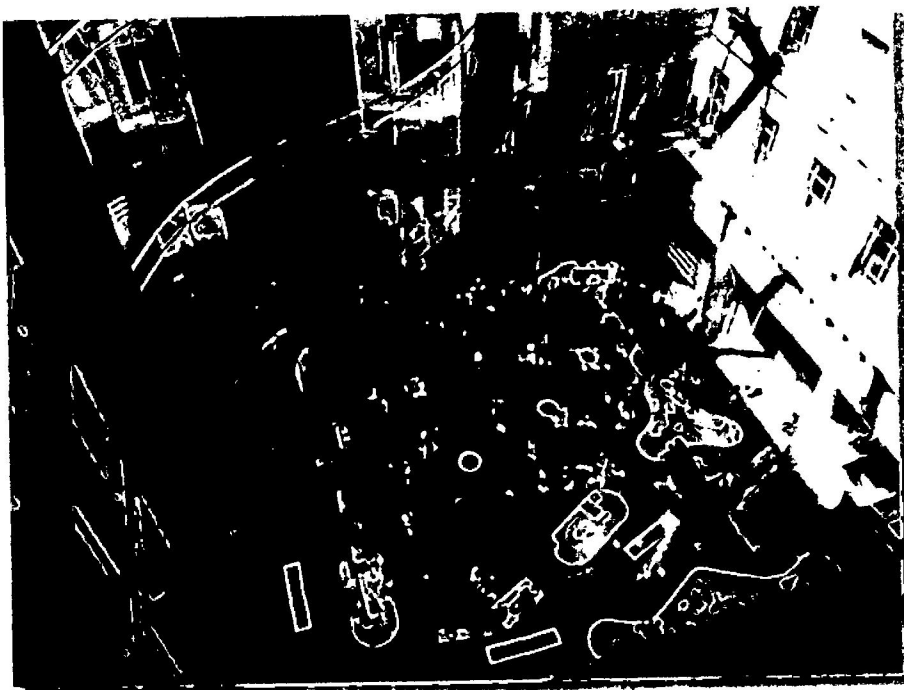
Next week, the QRO Green Committee will launch a #BiggestLoser / #QuiPerdGagne contest to challenge users to reduce their use of printers. This contest is made possible by the Micro-etch project of the QRO's use of software which tracks printer usage on an employee basis. #Our2020Story

Opportunities for improvement

It is only natural that Justice employees have encountered some challenges in their quest for innovative new ways of working and in their goal of improving legal and program service delivery. Innovation is disruptive and disruption is a key characteristic of transformation. We often lose sight of the fact that our transitions need to get pretty messy before they can be fully adopted. A few common themes have emerged such as:

- lack of dedicated resources to provide specialized training and develop video and new media products;
- insufficient access to tools and platforms required to be agile, creative and innovative in our service and program delivery and to keep pace with the technology our counterparts outside of government are using;
- finding common ground on the legal information that can and cannot be shared broadly, given an increasing focus on Open Government; and,
- connectivity to the Justice network for Justice employees working in legal service units across government.

Most of these challenges are not unique to Justice. However, the practice of working collaboratively and openly continues to take root across the Public Service, creating opportunities to draw from the collective expertise of employees at all levels in all departments to find common solutions.



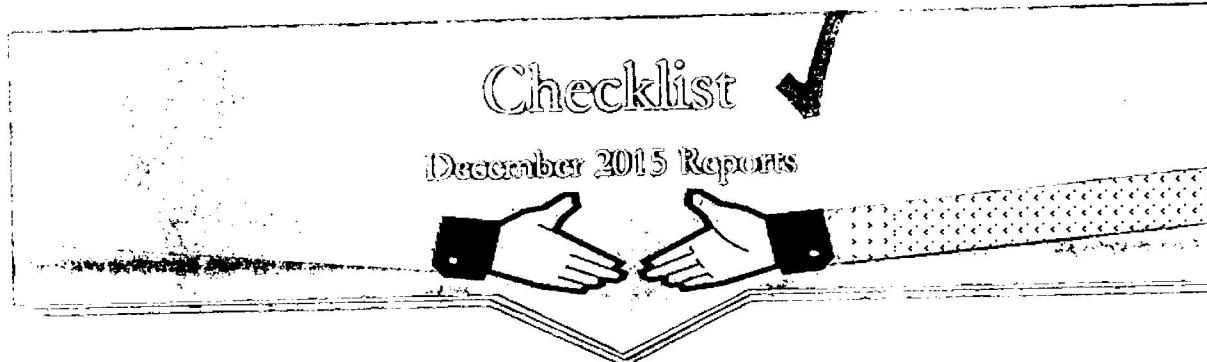
Ready for 2020...



Our 2020 includes a culture where ideas are celebrated and challenged and where there is space to experiment and learn. Our Canada's Legal Team vision integrates the objectives of Blueprint 2020 and internal drivers for change which include redefining the Justice-client relationship; streamlining the organization; and, managing business performance.

It is about our people. Innovative. Inquisitive. Inspiring. Justice employees are working with one another, with their colleagues across the Public Service and with Canadians to create a culture of innovation at Justice. The innovations

identified in this report coupled with our relentless drive for excellence in legal and management practices have created the perfect storm for transformation at Justice. **#WeAreHighPerforming**



Blueprint 2020 is our approach to modernization

Examples of things to include:

- ☐ Your progress on all modernization and transformation efforts taking place in your Department
- ☐ Examples of everyday excellence taking place in your organization
- ☐ Specific commitments previously made towards implementing the Blueprint 2020 initiative
- ☐ Steps taken by your Department's management and employees to improve workplace culture while strengthening that of the Public Service in general
- ☐ Drivers and rationale behind efforts being featured
- ☐ Use of available metrics, and/or qualitative evidence which your modernization efforts are providing or will provide to employees and to Canadians
- ☐ Examples of how you are carrying out your mandate with excellence

This is the only report that your Deputy Head submits where they can tell their organizations story in their own words.

Advancing the three priorities for this year

What has been done to advance the following priority areas for this year:

- ☐ Reinvigorating recruitment efforts
- ☐ Building a healthy, respectful and supportive work environment
- ☐ Reinforcing the policy community as a profession

Remember

- ☐ Be innovative in how you tell your story, leveraging technology (e.g., videos, infographics, Prezis) as you see fit
 - o Please submit a text version of video or graphic heavy reports to facilitate analysis
- ☐ Do not limit yourself to only reporting activities under the Blueprint 2020 banner. Innovation, transformation and modernization are often happening in areas where you would least expect!
- ☐ Encourage employees to come forward with their own specific examples of progress and transformation, through existing employee engagement channels, or otherwise, for example this [GCconnex post](#)
- ☐ Post reports to your customized [GCpedia](#) page. Instructions can be found at the top of the GCpedia page. For GCpedia related questions, please contact [Genevieve Lemieux](#) from the Chief Information Officer Branch of the Treasury Board Secretariat
- ☐ Due date is December 1, 2015, for further questions please contact: [Rick Burns](#), Privy Council Office, or Blueprint2020@clerk.gc.ca





Department of Justice
Canada

Ministère de la Justice
Canada

Canada

Annex C

Blueprint2020

Please Note:

This is the first draft of
the design process. We are
working with the design
firm to revise the poster
to better reflect who we
are as Canada's Legal Team.
Sometimes the creative
process takes longer than
expected 😊

CANADA'S LEGAL TEAM

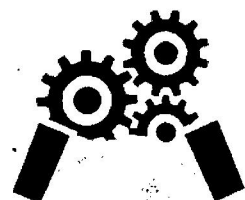
CE CANADA

AND MANAGEMENT EXCELLENCE

NEW WAYS OF WORKING



One team, one client



Clients as
partners

justice a150

Expertise



Digital
Workspace

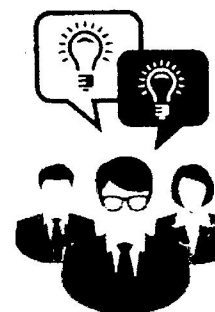


Service
delivery

Risks.
Priorities.
Costs



Informed
decisions



Culture of
Innovation

Leaders
and Talent

Technology

Justice^{TV}

IPPIhub



#weareinnovative #weareagile #wearehighperforming #weareproud #wearecollaborative #jusinnovation #our2020story